GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 20 August 2025. They will be reviewed in accordance with the *Local Government Act 2020* and *Local Government (Governance and Integrity) Regulations 2020*.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees and Community Asset Committees
Chapter 4	Audit and Risk Committee
Chapter 5	Disclosure of Conflicts of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

Chapter 1 – Governance Framework

1. Context

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

(a) the overarching governance principles specified in section 9(2) of the *Act*; and

(b) the following documents adopted or approved by *Council*:

- Community Engagement Policy
- Model Councillor Code of Conduct
- Public Transparency Policy

2. Decision Making

(a) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:

(i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial;

(i) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations; and

(iii) without trying to gain or attempt to gain an advantage a direct or indirect advantage for themselves or for any other person

(b) Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).

(c) Without limiting anything in paragraph (b) of this sub-Rule:

(i) Before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the matter which Council must consider and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made.

(d) If a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered.

(i) If a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered; and

(ii) If a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

Chapter 2 – Meeting Procedure for Council Meetings

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Introduction

1. Title

This document will be known as the "Bass Coast Shire Council Governance Rules".

2. Purpose of this Chapter

The purpose of this Chapter is to:

2.1 provide for the election of the Mayor and any Deputy Mayor;

2.2 provide for the appointment of any Acting Mayor; and

2.3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

Act	Local Government Act 2020
Agenda	Notice of a meeting setting out the business to be transacted
CEO	Chief Executive Officer
Chair	Chairperson of a meeting - includes the Mayor, Deputy Mayor or a Councillor who is appointed by resolution to Chair a meeting under section 61(3) of the *Act*.
Committee Meeting	A meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
Community Asset Committee (CAC)	Community Asset Committee established under section 65 of the Act.
Conflict of Interest	Conflict of Interest as defined in s126 - s131 of the Act General conflict of interest – s127 of the Act Material conflict of interest – s128 of the Act (whether such a meeting is known as a 'Councillor Briefing' or by some other name)
Council	Bass Coast Shire Council
Council Meeting	A meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting, whether held as face-to-face (in person attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance. The definition as in the Act.
Delegated Committee	Delegated Committee established under section 63 of the Act.

Mayor	Mayor of the Council as defined in the Act
Municipal District	Municipal district of Council
Notice of Motion	A notice lodged by a Councillor setting out the text of a motion which they propose to move at the next relevant meeting.
Notice of Rescission	A notice of motion to rescind a resolution made by Council.
Open to the public	In the case of a Council or joint meeting of Councils, or a delegated or joint delegated committee under s66 of Act.
Present	A councillor attending in person or attending virtually must be seen, can hear and be heard; and
Quorum	A quorum at a Council meeting is an absolute majority. Absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council. (9 Councillors, 5 being an absolute majority)
Rules	Rules as defined in the Act and Regulations as Governance Rules
Written	Includes duplicated, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

3.2 Introductions to, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Election of Mayor

Introduction: This section details the required process of the election of the Mayor and Deputy Mayor.

4. Election of the Mayor

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

5. Method of Voting

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

6. Determining the election of the Mayor

6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor.

6.2 Any nominations for the office of Mayor must be:

6.2.1 in writing and in a form prescribed by the Chief Executive Officer; and

6.2.2 seconded by another Councillor

6.2.3 accepted by the nominee

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

6.3.1 If there is only one nomination, the candidate nominated must be declared to be duly elected.

6.3.2 If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.

6.3.3 Councillors will vote for the candidates in the order in which the nominations were received.

6.3.4 The candidate receiving an absolute majority of the votes is declared to have been elected.

6.3.5 In the event that no candidate receives an absolute majority of the votes the Chief Executive Officer may adjourn the meeting for 30 minutes when another vote will be taken. If no candidate receives an absolute majority, the Chief Executive Officer must resolve to conduct a new election at a later date and time. Council may resolve to defer the meeting or elect a temporary Chair to consider the remaining business of the meeting.

7. Election of Deputy Mayor and Chairs of Delegated Committees

7.1 Election of any Deputy Mayor cannot proceed until the election of the Mayor has been completed.

7.2 Any election for:

7.2.1 any office of Deputy Mayor; or

7.2.2 Chair of a Delegated Committee will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

7.2.3 Chief Executive Officer is a reference to the Mayor; and

7.2.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

8. Appointment of Acting Mayor

If Council has not established an office of Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

8.1 resolving that a specified Councillor be so appointed; or

8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, with the Mayor replacing the Chief Executive Officer at 6.1.

Meeting Procedures

Introduction: This section describes how and when a meeting is convened, when and how business may be transacted at a meeting.

Notices of Meetings and Delivery of Agendas

9. Date, Time and Place of Meetings Fixed by Council

9.1 Subject to Rule 11, Council must at or before the last Council meeting in each calendar year, fix the date, time and place of all Council meetings for the following calendar year.

9.2 Where legislation allows, meetings may be conducted virtually.

10. Council May Alter Meeting Dates

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

11. Meetings Not Fixed by Council

11.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.

11.2 The notice must specify the date, time and place of the Council meeting and the business to be transacted.

11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.

11.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

12. Notice Of Meeting

12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council meetings at least 4 days before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of their absence.

12.3 Reasonable notice of each Council meeting must be provided to the public. Council may do this:

12.3.1 for meetings where an annual schedule has been fixed, Council will arrange publication in a newspaper generally circulating in the municipal district and on Council's website. Council Meetings called through the year will be placed on Council's website following the calling of the meeting.

12.3.2 for any meeting by giving notice on its website and in at least one newspaper generally circulating in the municipal district.

12.3.3 A schedule of Council Meetings will also be available from Council's Service Centres.

Meeting Attendance

13. Attendance by electronic means

13.1 If a meeting is to be held wholly virtually/electronically, the notice of the meeting and Councils Website must indicate this.

13.2 If a councillor requires to attend a Council Meeting virtually, a written request is to be made to the Chief Executive Officer prior to the commencement of the Council Meeting

13.3 The Mayor will make known any Councillors attending virtually.

13.4 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access equipment and are in an environment that facilitates participation in a Council meeting. This includes privacy for any confidential discussions that may be required.

13.5 Councillors participating virtually must be able to:

(a) be seen by the other Councillors;

(b) can hear the other Councillors; and

(c) be heard by the other Councillors through the proceedings of the meeting:

13.6 Councillors who are not adhering to section 13.5 are considered to be absent from the meeting. The minutes will record when they leave and return to the meeting.

13.7 If the Chair is attending virtually and experiences technical difficulties, the Deputy Mayor will become Acting Chair until the Chair's technical difficulties are resolved. Where both the Mayor and Deputy Mayor are unable to Chair the meeting, Council will resolve to appoint an Acting Chair until the Chair returns to the meeting. (See sub-rule 3) They will resume as Chair at the next item on the agenda and for the remainder of the meeting.

14. Inability To Obtain a Quorum

14.1 For the purposes of these meetings, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum. (Refer to sub-rule 13.5 Councillor participating virtually)

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

14.2.1 the meeting will be deemed to have lapsed.

14.2.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and

14.2.3 the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

15. Inability To Maintain a Quorum

15.1 If during any Council meeting, a quorum cannot be maintained then Rule 14 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

15.3 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made;

a) by the CEO; or

b) by a Delegated Committee established for the purpose of determining the matter.

16. Adjourned Meetings

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

16.2 Council may adjourn a meeting to another date or time due to technical difficulties.

16.3 The Chief Executive Officer must give written notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the remaining business to be considered.

16.4 If it is impracticable for the notice given under sub-Rule 16.3 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

17. Time limits for Meetings

17.1 A Council meeting must not continue after three hours unless a majority of Councillors present vote in favour of it continuing.

17.2 A meeting cannot be continued for more than 30 minutes unless a majority of Councillors present vote in favour.

17.3 A motion to extend the meeting must not be accepted by the *Chair* if the meeting has reached its 3 hour limit as per sub-Rule 16. The extension must be done prior to reaching the 3 hours.

17.4 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 16.3 and 16.4 apply.

18. Cancellation or Postponement of a Meeting

18.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.

18.2 Where possible notice of the change to be made public on Council's website as early as possible.

18.3 The Chief Executive Officer must present a written report on any exercise of the power conferred by sub-Rule 18.1 to the immediate following Council meeting.

Business of Meetings

19. Agenda and the Order Of Business

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

20. Change To Order Of Business

20.1 Once an agenda has been sent to Councillors, the order of business for that Council meeting may be altered via resolution with the consent of Council.

20.2 Once the meeting has commenced the Chair is able to alter the order of business by consent of Councillors.

21. Urgent Business

If the agenda for a Council meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

21.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

21.2 cannot safely or conveniently be deferred until the next Council meeting.

Motions and Debate

22. Councillors May Propose Notices Of Motion

Councillors may seek to have an issue is listed on an agenda by lodging a Notice of Motion that is in accordance with sub-Rule 23.

23. Notice Of Motion

23.1 A final notice of motion must be in writing signed by a Councillor and be lodged with or sent to the Chief Executive Officer by 5pm 7 days prior to the Council meeting agenda being published.

23.2 The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed Notice of Motion. The CEO may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion.

23.3 A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.

23.4 A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:

a) Impacts the levels of Council service;

b) Commits Council to expenditure that should form an expense in the adopted Council Budget;

c) Proposes to establish, amend or extend Council policy;

d) Proposes to impact the rights of any person who has not had the opportunity to contribute their views;

e) Commits Council to any contractual arrangement; or

f) Concerns any litigation in respect of which Council is a party.

23.5 The Chief Executive Officer may reject any notice of motion which:

a) is vague or unclear in intention;

b) may be prejudicial to any person or Council;

c) is objectionable in language or nature;

d) related to a matter that can be addressed through the operational service request process

e) it is outside the powers of Council; or

f) if carried would result in Council otherwise acting invalidly.

23.6 but must:

a) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

b) notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

23.7 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.

23.8 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

23.9 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

23.10 A Notice of Motion may only be amended at a Council meeting by the submitter of the Motion, if it does not change the intent of the motion and with the leave of Council.

23.11 If a Councillor who has lodged a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

23.12 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses and is deemed to have been lost.

23.13 If a motion is lost, a similar motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

24. Chair's Duty

The Chair shall not accept any motion that is:

a) Defamatory;

b) Objectionable in language or nature;

c) Vague or unclear in intention;

d) Outside the powers of Council;

e) Irrelevant to the item of business on the agenda;

f) Has not been admitted as urgent; or

g) Purports to be an amendment but is not.

25. Introducing a Report

25.1 Reports may only be introduced if additional information has been received in relation to the report since the agenda was provided to Councillors and placed on Council's website.

25.2 Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:

25.2.1 its background; or

25.2.2 the reasons for any recommendation which appears.

26. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

26.1 the mover must state the motion without speaking to it.

26.2 the motion must be seconded, and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder.

26.3 if a motion or an amendment is moved and seconded the Chair must ask:

"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"

26.4 if no Councillor indicates opposition or a desire to speak to it, the Chair may declare the motion or amendment carried without discussion.

26.5 if a Councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting.

26.6 after the mover has addressed the meeting, the seconder may address the meeting.

26.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and

26.8 if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.

27. Right Of Reply

27.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate but may not introduce new items.

27.2 If no Councillor has spoken against a motion, there will be no right of reply.

27.3 Prior to the Mover's Right of Reply, Councillors may ask any question through the Chair arising out of the motion.

27.4 After the right of reply has been taken, the Chair must immediately put the motion to the vote without any further discussion or debate.

28. Moving An Amendment

28.1 Subject to sub-Rule **Error! Reference source not found.** a motion which has been moved and seconded may be amended by leaving out, inserting or adding words, which words must be relevant to the subject of the motion and does not change the intent.

28.2 An amendment must not be directly opposite to the motion.

29. Who May Propose An Amendment

29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

29.2 Any one Councillor cannot move more than two amendments in succession.

30. How Many Amendments May Be Proposed

30.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.

31.2 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing Motions

32.1 At any time during debate a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

32.3 No discussion or debate is allowed on a foreshadowed motion.

32.4 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

32.5 The Chair is not obliged to accept foreshadowed motions.

33. Withdrawal Of Motions

33.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of Council, in which case the Chair must call for substitute mover and seconder and, if no substitute is forthcoming the Motion will lapse

33.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

34. Separation Of Motions

Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.

35. Chair May Separate Motions

The Chair may use their discretion, to put any motion to the vote in several parts.

36. Priority of address

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

37. Motions In Writing

37.1 The Chair may require all motions, except procedural motions, to be in writing.

37.2 The Chair may adjourn the meeting while the motion is being written or Chair may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

38. Repeating Motion and/or Amendment

The Chair may request the person taking the minutes of the Council meeting to read the motion or amendment to the meeting before the vote is taken.

39. Debate Must Be Relevant To The Motion

39.1 Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.

39.2 Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.

39.3 A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.

39.4 If after being requested to confine debate to the motion before the meeting, the speaker continues to debate irrelevant matters, the Chair may direct the speaker not speak further in respect of the motion then before the meeting.

39.5 A speaker to whom a direction has been given under sub-Rule 39.1 must comply with that direction.

40. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair

40.1 the mover of a motion or an amendment: 3 minutes.

40.2 any other Councillor: 3 minutes; and

40.3 the mover of a motion exercising a right of reply: 3 minutes.

40.4 Only one extension of speaking time is permitted for each speaker.

40.5 The maximum extension to be granted via the Chair is no longer than 2 minutes

40.6 Councillors who do not wish to speak to an item are unable to transfer their available speaking time to another Councillor.

41. Addressing the Meeting

41.1 Any person addressing the Council must do so respectfully.

41.2 All members of Council staff must be addressed respectfully.

If the Chair so determines:

41.3 any person addressing the Chair must refer to the Chair as:

a) Mayor; or

b) Chair;

as the case may be.

41.4 all Councillors, other than the Mayor, must be addressed as

Cr .....(name).

41.5 all members of Council staff, must be addressed as Mr or Ms

.....(name) as appropriate or by their official title.

42. Right to Ask Questions

42.1 A Councillor may, when no other Councillor is speaking, seek permission from the Chair to ask any question concerning or arising out of the motion or amendment before the meeting.

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

Procedural Motions

43. Procedural Motions

43.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.

43.2 Procedural motions require a seconder.

43.3 A procedural motion may not be moved or seconded by the Chairperson.

43.4 The Chair may reject a procedural motion where, they are of the opinion that the motion before the meeting has not been sufficiently debated.

43.5 Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.

43.6 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Chair. (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
The closure	That the motion now be put.	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	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	At a meeting to elect the Mayor; or During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the Agenda	No

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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 Chairperson; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item relisted for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Suspend Standing Orders	That Standing Orders be suspended to enable discussion on ...(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
Resume Standing Orders	That Standing Orders be resumed	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the Rules is removed	The meeting cannot continue	No

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
Consideration of confidential matter/s (Close the meeting to members of the public)	That, in accordance with sections 66(1) and 66(2) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the following confidential items: Item name This agenda item is confidential information within the meaning of section 3(1) of the Local Government Act 2020: - [item name and reason to be inserted as motion]	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
Extension of speaking time (up to 2 minutes)	That Councillor xx be granted up to a 3 minute extension of speaking time.	Any Councillor	A Motion for an extension of speaking time must not be accepted by the *Chair* if another Councillor has commenced speaking	Councillor may continue speaking for the amount of time approved via resolution	Councillor must cease speaking	No

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
Extension of meeting	That the meeting be extended up to 30 minutes	Any Councillor	A motion to extend the meeting must not be accepted by the *Chair* if the meeting has reached its 3 hour limit as per sub-Rule 16. The extension must be done prior to the 3 hours.	The meeting will continue to consider the remaining items on the agenda for up to another 30 minutes. If the items on the agenda are unable to be considered before this time, the Chair will adjourn the meeting before the additional 30 minutes elapses, in accordance with the Governance Rules	The *Chair* must adjourn the meeting in accordance with the Governance Rules before the 3 hour meeting time elapses	No
Adjournment of a meeting	That the meeting be adjourned until (time and/or meeting date) to allow (purpose of adjournment)	Any Councillor		Consideration / debate on the motion and/or amendment and/or remaining items on agenda are relisted for consideration at the resolved time and date to resume the meeting	Debate continues	Yes
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

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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
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
Public Question Time	'That question time be extended for xx minutes'	Any Councillor	For questions not received in accordance with the Governance Rules	Question time to continue	Question time does not continue. The meeting to move to the next item on the agenda.	No

Rescission Motions

44. Notice of Rescission

44.1 A Councillor may propose a notice of rescission provided:

44.1.1 it has been signed and dated by at least three Councillors.

44.1.2 the resolution proposed to be rescinded has not been acted on; and

44.1.3 the notice of rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out -

(a) the resolution to be rescinded; and

(b) the meeting and date when the resolution was carried.

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

44.2 A resolution will be deemed to have been acted on if:

44.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or

44.2.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on Council or any other person.

44.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

44.3.1 has not been acted on; and

44.3.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 44.3.1;

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

> By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).
>
> In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 44.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

45. If Lost

If a motion for rescission is lost, a similar motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

46. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses and is deemed to have been lost. The provisions under sub-Rule 45 apply.

47. May Be Moved by Any Councillor

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

Points of Order

48. Chair To Decide

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

49. Chair May Adjourn to Consider

49.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

49.2 All other questions before the meeting and debate are suspended until the point of order is decided.

50. Dissent From Chair's Ruling

50.1 A Councillor may move that the meeting disagree with the Chair's ruling on a point of order, by moving:

"That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".

50.2 When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair The Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, the temporary Chair elected by the meeting) must take their place as temporary Chair.

50.3 The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply.

50.4 The Deputy Mayor or temporary Chair must put the motion in the following form:

"That the Chair's ruling be dissented from."

50.5 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.

50.6 If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.

50.7 The defeat of the Chair's ruling is in no way a motion of censure or non- confidence in the Chair and should not be so regarded by the meeting.

51. Procedure For Point of Order

A Councillor raising a point of order must:

51.1 state the point of order; and

51.2 state any section, Rule, paragraph or provision relevant to the point of order

before resuming their seat.

52. Valid Points of Order

A point of order may be raised in relation to:

52.1 a motion, which, under Rule 24, or a question which, under Rule 53, should not be accepted by the Chair;

52.2 a question of procedure;

52.3 a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;

52.4 debate that is irrelevant to the matter under consideration;

52.5 a matter that is outside the powers of Council: or

52.6 any act of disorder.

> Expressing a difference of opinion or to contradict a speaker is not a point of order.

Public Question Time

53. Question Time

53.1 Public question time must be held at each Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council.

53.2 Sub-Rule 53.11 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act.

53.3 Questions submitted to Council must:

53.3.1 be in writing, state the name, email and address of the person submitting the question and generally be in a form approved or permitted by Council. This Personal Information is held in accordance with the Privacy and Data Protection Act 2014 (Vic) Principles. The submitted question/s and your name will be entered into the Council Minutes, be available to the public when placed on Council's website: and

53.3.2 be lodged 48 hours prior to the Council meeting.

53.4 No person may submit more than two questions at any, one meeting. If a question has multiple parts to it, it is considered multiple questions. Any additional question will not be read out at the meeting or included in the minutes. They will be included in the Engage Bass Coast page.

53.5 The person who submitted the question must be present in the Chamber at Public Question Time when the Chair will call their name.

The submitter will have an opportunity to read out the previously submitted question or request the Chair read their question. The question and the response will then be included in the minutes.

53.5.1 The submitter may not raise any additional questions or alter the previously submitted question.

53.5.2 Speakers must abide by the direction of the Chair and in accordance with these Governance Rules.

53.5.3 If the person is not present, the question will not be read out or included in the minutes. It will be included in the Engage Bass Coast page.

53.6 Questions and responses will not be included in the minutes, where the submitter of questions is not present in the Chamber at the time their name is called. They will not be afforded another opportunity to read their question.

53.7 The Chair or a member of Council staff nominated by the Chair may read a question and response at the meeting which has been submitted in accordance with this Rule. Not all questions are required to be read at the meeting.

53.8 A question may be disallowed by the Chair if the Chair determines that it:

53.8.1 relates to a matter outside the duties, functions and powers of Council.

53.8.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance.

53.8.3 deals with a subject matter already answered.

53.8.4 is aimed at embarrassing a Councillor or a member of Council staff.

53.8.5 relates to personnel matters.

53.8.6 relates to the personal hardship of any resident or ratepayer.

53.8.7 relates to confidential information as defined in Section 3 of the Act

53.8.8 relates to matters affecting the security of Council property; or

53.8.9 relates to any other matter which Council considers would prejudice Council or any person.

53.9 Any question which has been disallowed by the Chair will not be read at the meeting.

53.10 Any question which has been disallowed by the Chair must be made available to Councillors.

53.11 Where the CEO does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

53.12 All admissible questions and the responses will be published on Engage Bass Coast

53.13 All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

53.14 Questions must be limited to 50 words inclusive of any preamble and additional information.

53.15 Like questions may be grouped together and a single answer provided.

53.16 The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.

53.17 A Councillor or the Chief Executive Officer may require a question to be taken on notice. If a question is taken on notice, the answer will be provided in the minutes if the submitter was present in the gallery.

53.18 A Councillor or the Chief Executive Officer may advise Council that it is their opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must briefly state the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

53.19 Question time will be for a maximum of 30 minutes unless extended by a Council resolution.

Petitions and Joint Letters

54. Petitions and Joint Letters

54.1 A petition or joint letter must be received by 5pm, 10 days prior to the Council meeting agenda being published.

a) The head petitioner may request to introduce their petition (or provide the name of a delegate) at a Council meeting at the time of submitting the petition.

b) If the head petitioner/delegate requests to introduce the petition, they must be present in the gallery at the time their name is called. No further opportunity will be afforded to them if they are not present.

c) They will have no longer than 3 minutes to introduce the petition and must only speak to the contents of the 'prayer' of the petition. No additional presentation may be made at the Council meeting.

d) No debate or discussion with the head submitter or delegate is permitted when the petition is received.

e) Speakers must abide by the direction of the Chair and in accordance with these Governance Rules.

54.2 Where a petition or joint letter is received and complies with the requirements of the Governance Rules, it may be considered at the meeting at which it is tabled or resolved to consider it at a future Council meeting.

54.3 It is incumbent on every Councillor or officer receiving a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council, and to forward to the Governance Department for inclusion prior to the release of the agenda to be tabled at a Council Meeting.

54.4 A request to table a petition or joint letter at a Council meeting that has not been included in the agenda requires a resolution of Council to receive the petition / joint letter to be considered at a future meeting of Council

54.5 Petitions received in relation to the following matters will not be included in an agenda, unless at the discretion of the CEO in consultation with the Mayor request inclusion.

a) Petitions relating to operational matters must be referred to the Chief Executive Officer for action;

b) Urban Road and Drainage petitions to be dealt with under delegation; and

c) Petitions on statutory matters to be dealt with under delegation.

54.6 Every petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories, be signed by at least 15 people, and submitted by the lead petitioner with a cover letter containing their contact details.

54.7 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the residential address of every petitioner or signatory must be clearly stated.

54.8 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.

54.9 If a petition, joint letter, or other like application relates to a planning application or a Planning Scheme Amendment currently before Council under the Planning and Environment Act 1987 it will be treated as a submission to that planning application or that Planning Scheme Amendment and will not be treated as a petition or joint letter.

54.10 If a petition, joint letter, or other like application relates to a formal submission process undertaken by Council it will be treated as a submission and will not be treated as a petition or joint letter.

54.11 An electronic/online petition, joint letter or other like application is required to adhere to all the requirements of a written petition unless Council resolves otherwise.

54.12 Petitions or joint letters must not be left at any of Council's service centres for the collection of signatures.

Voting

55. How Motion Determined

To determine a motion before a meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting.

56. Silence

Voting must take place in silence.

57. Casting Vote

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

58. By Show of Hands

58.1 Voting on any matter is by show of hands.

58.2 A Councillor present at the meeting who abstains from voting is to be taken to have voted against the motion.

58.3 If a Councillor attending the meeting virtually cannot hear proceedings or cannot be seen or heard, they are considered to be absent from the meeting.

59. Recount

The Chair may direct that a vote be recounted to satisfy themselves of the result. The vote during the recount must reflect the original vote.

60 Voting en bloc

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

61 Procedure For a Division

61.1 Immediately after any motion is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

61.2 When a division is called for, the vote already taken, must be treated as set aside and the division shall decide the motion, or amendment.

61.3 When a division is called for, the Chair must:

61.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise their hand. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

61.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise their hand. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the negative.

61.3.3 where a Councillor does not vote in the affirmative or negative (sub-Rule 58.1) by raising their hand, the Chair must then state the name of the Councillor/s.

The Chief Executive Officer or any authorised officer must record the name of those Councillor/s not voting as abstained (sub-Rule 58.2). A Councillor who abstains from voting, is to be taken to have voted against the motion.

62 No Discussion Once Declared

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

For example, Rule 44 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 62.2 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 44.3, to allow discussion about a positive motion where a resolution has just been rescinded.

Minutes

63 Confirmation of Minutes

63.1 At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:

63.1.1 a copy of the minutes must be provided to each Councillor no later than 48 hours before the meeting.

63.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed.

63.1.3 if a Councillor indicates opposition to the minutes:

a) they must specify the item(s) to which they object.

b) the objected item(s) must be considered separately and in the order in which they appear in the minutes.

c) the Councillor objecting must move accordingly without speaking to the motion.

d) the motion must be seconded.

e) the Chair must ask:

"Is the motion opposed?"

f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the questions described in sub-Rule 63.1.3k);

g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting, only on their concerns with the minutes and not address the original item

h) after the mover has addressed the meeting, the seconder may address the meeting.

i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion.

j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and

k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and they must put the motion to the vote accordingly.

63.1.4 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed.

63.1.5 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

64 No Debate on Confirmation of Minutes

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

65 Deferral Of Confirmation of Minutes

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

66 Form and Availability of Minutes

66.1 a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

b) the date, place, time, and nature of the meeting;

c) the names of the Councillors present, in person and virtually and the names of any Councillors who apologised in advance for their non-attendance;

d) the names of the members of Council staff present.

e) any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5.

f) arrivals and departures (including temporary departures) of Councillors during the meeting.

g) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder).

h) the vote cast by each Councillor upon a division.

i) the vote cast by any Councillor who has requested that their vote be recorded in the minutes.

j) any Councillor who abstained from voting on a matter.

k) The minutes to show if a motion was Carried, Carried Unanimously, Lost or Lapsed for want of a Seconder.

l) the failure of a quorum.

m) any adjournment of the meeting and the reasons for that adjournment; and

n) the time at which standing orders were suspended and resumed.

66.2 The Chief Executive Officer must ensure that the minutes of any Council meeting are:

66.2.1 published on Council's website; or

66.2.2 available for inspection at Council's office during normal business hours.

66.3 Nothing in sub-Rule 66.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

Behaviour

67 Public Addressing the Meeting

67.1 Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.

67.2 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

67.3 A member of the public present at a Council meeting must not disrupt the meeting.

67.4 Speakers addressing a meeting must abide by the direction of the Chair and in accordance with these Governance Rules.

68 Recording of Proceedings

68.1 A person in the gallery must not operate film, photographic, recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.

68.2 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

69 Chair May Remove

69.1 The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 67.2.

69.2 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business;

a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or

b) The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Meeting.

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens their authority in chairing the meeting.

70 Chair may adjourn disorderly meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, they may adjourn the meeting to a later time on the same day or to another date or time. In that event, the provisions of sub-Rules 16.3 and 16.4 apply.

71 Removal from Chamber

The Chair, or Council in the case of an adjournment, may ask the Chief Executive Office, a senior member of staff, a member of security or a member of the Victoria Police without a resolution, to remove from the Chamber any person who acts in breach of this Chapter and whom the Chair has ordered to be removed from the gallery under Rule70.

72 The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Chapter, the Chair:

72.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and

72.2 must call to order any person who is disruptive or unruly during any meeting.

73 Suspension of Standing Orders

73.1 To expedite the business of a meeting, Council may suspend standing orders.

> The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
>
> Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

73.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:

"That standing order be suspended to enable discussion on……"

73.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

73.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

73.5 No Motion to suspend standing orders can be accepted by the Chair during a second extension of time for a meeting.

Chapter 3 – Meeting Procedure for Delegated Committees and Community Asset Committees

Delegated Committees

74 Meeting Procedure Generally

If Council establishes a Delegated Committee:

74.1 all the provisions of Chapter 2 - Meeting Procedure for Council Meetings apply to meetings of the Delegated Committee; and

74.2 any reference in Chapter 2 to:

74.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting.

74.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and

74.2.3 the Mayor, as Chair is to be read as a reference to the Chair of the Delegated Committee.

75 Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if Council establishes a Delegated Committee that is not composed solely of Councillors:

75.1 Council may; or

75.2 the Delegated Committee may, with the approval of Council

resolve that any or all the provisions of Chapter 2 - Meeting Procedure for Council Meetings are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

Community Asset Committees

76 Introduction

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

77 Meeting Procedure

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

Chapter 4 – Audit and Risk Committee

78 Audit and Risk Committee

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

78.1 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.

78.2 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

Chapter 5 – Disclosure of Conflicts of Interest

79 Disclosure of a Conflict of Interest at a Council Meeting

79.1 A Councillor who has a conflict of interest in a matter being considered at a Council meeting, Councillor Briefing, Delegated Committee Meeting, Community Asset Committee meeting or a meeting known by some other name at which they are present must:

79.2 disclose that conflict of interest by explaining whether it is a general or material conflict of interest and the nature of the conflict of interest to those present at the Council meeting at item 2 of the council meeting – Declarations of Interest, and immediately before the matter is considered; and

79.3 disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

79.3.1 advising of the type of conflict of interest.

79.3.2 explaining the nature of the conflict of interest; and

79.3.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with a person or a gift from another person, the:

a) name of the other person;

b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

c) nature of that other person's interest in the matter,

79.4 immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

79.5 The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been resolved.

79.6 Where a Councillor becomes aware of a Conflict of Interest during the meeting, they must declare the type and nature of the conflict of interest immediately before the matter is considered at the meeting and provide the signed declaration to the Chief Executive Officer at the conclusion of the meeting.

79.7 Where a Councillor fails to comply with the Conflict of Interest provisions of the *Local Government Act 2020* or any other Act or Regulations, an application may be made to a Councillor Conduct Panel alleging serious misconduct.

80 Disclosure of Conflict of Interest at a Delegated Committee or Community Asset Committee Meeting

80.1 A Councillor or member of a Delegated or Community Asset Committee (CAC) who has a conflict of interest in a matter being considered at a Delegated Committee or CAC meeting at which they are present must:

disclose the conflict of interest by:

(a) advising the type of conflict of interest, whether general or material;

(b) explaining the nature of the conflict of interest; and

(c) detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with a person, or a gift from another person:

(i) the name of the other person;

(ii) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(iii) nature of that other person's interest in the matter.

80.2 Delegated Committee members must complete the online conflict of interest form (including all requirements listed in sub-rule 79.1) for the Chief Executive Officer before the Delegated Committee meeting commences.

80.3 Community Asset Committee members must complete the online conflict of interest form (including all requirements listed in sub-rule 79.1) for the Chief Executive Officer or completing the hard copy conflict of interest form and handing it to the Council officer before the Community Asset Committee meeting commences.

(a) The Council officer will save the form in Council's document management system as soon as possible after the meeting.

80.4 Delegated or CAC members must disclose the conflict of interest at the relevant item at the commencement of the meeting and immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been provided to the Chief Executive Officer under this sub-Rule.

80.5 The member of a Delegated or CAC meeting must, in either event, leave the Delegated Committee or CAC meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been resolved.

81 Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:

81.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered.

81.2 absent themself from any discussion of the matter; and

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

82 Disclosure by Members of Council Staff Preparing Reports for Meetings

82.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

(a) Council meeting.

(b) Delegated Committee meeting or

(c) Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general or material conflict of interest.

82.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 81.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

82.3 If the member of Council staff referred to in sub-Rule 81.1 is the Chief Executive Officer:

82.3.1 the written notice referred to in sub-Rule 7.1 must be given to the Mayor; and

82.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

83 Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

83.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general or material conflict of interest.

If the member of Council staff is the Chief Executive Officer, the written notice must be given to the Mayor.

84 Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

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

84.2 If the member of Council staff referred to in sub-Rule 83.1 is the Chief Executive Officer, the written notice must be given to the Mayor.

85 Retention of Written Notices

The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.

Chapter 6 – Miscellaneous

86 Procedure not provided for in Chapter 2

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

87 Criticism of members of Council staff

87.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any member of Council staff.

87.2 A statement under sub-Rule 87.1 must be made by the Chief Executive Officer, through the Chair as soon as is practicable after the Councillor who made the statement has resumed their seat.

88 Display of placards and posters

88.1 Placards or posters must not be displayed in the Council Chamber or in any building where a Meeting is being, or is about to be, held, including outside the entrance to the

building. It is at the discretion of the CEO and Mayor to allow a placard or poster outside of a building where a meeting is being, or is about to be held.

88.2 A placard or poster must not:

a) Display any offensive, indecent, insulting or objectionable item or words; or

b) Obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held; or

c) Obstruct the view or physically impede any person.

88.3 The Chair may order and cause the removal of any placard or poster that is deemed by the Chair to be objectionable, disrespectful or otherwise inappropriate.

89 Informal Meetings of Councillors

If there is a meeting of Councillors that:

89.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors and contains three or more Councillors

89.2 is a meeting of a Council Committee that a Councillor is appointed to.

89.3 is attended by at least one member of Council staff; and

89.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.
the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

a) tabled at the next convenient Council meeting; and

b) recorded in the minutes of that Council meeting.

90 Confidential Information

90.1 If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

90.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing, accordingly, will be presumed to be confidential information.

90.3 Nothing in sub-Rule 2.2 of Confidential Information will, without more information, mean that the information designated by the Chief Executive Officer under sub-Rule 2.1 satisfies the definition of 'confidential information' contained in section 3(1) of the *Local Government Act 2020*.

Election Period Policy

Document Information

Type	Council Policy
Mayor	
Date Adopted	
Responsible Officer	General Manager Innovation & Engagement
Review Period	At least once every 4 years
Version Number	

Gender Impact Assessment (GIA) Statement

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment (GIA) has been undertaken when developing this policy.

Definitions

Where terms used in the policy are defined in the Act, their use will be consistent with the definitions as set out in the Act.

Term	Definition
Act	*Local Government Act 2020*
Candidate	A Councillor who is endorsed as a candidate for election by a political party, or who, if not a member of a political party has announced their intention to nominate as a candidate in a State or Federal election or by-election.
CEO	Chief Executive Officer
Council	Bass Coast Shire Council
Councillors	Individuals holding the office as a member of Bass Coast Shire Council
Election	General election or by-election of Council or State or Federal election
Electoral Material	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

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Electoral Matter	Means 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. Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference, to, or comment on: (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.
Election Period	The period determined from the close of nominations to voting day.
Nomination date	Date set by the relevant electoral commission at which nominations to be a candidate in an election close.
Policy	Election Period Policy
Regulations	*Local Government (Governance & Integrity) Regulations 2020*

Purpose

The Election Period Policy is required to meet the requirements of the *Local Government Act 2020* (Act) and the *Local Government (Governance & Integrity) Regulations 2020* (Regulations), prior to and during Council, State and Federal elections.

Scope

The Election Period Policy (Policy) applies to Councillors, Council officers, Delegated Committee members, Community Asset Committee members and members of Council's Advisory Committees. The Policy covers a general election of Council, a by-election that is held because of an extraordinary vacancy on Council and State or Federal election.

Objectives

The Policy forms part of Council's Governance Rules and provides direction on the following matters:

- Council's requirements to comply with the provisions of the Act and Regulations;
- Decisions that are prohibited, unreasonably bind or could be deferred by Council;
- Resources, Campaign Material and Electoral Matters;
- Attendance and participation at functions and events;
- Public consultation;
- Access to information held by Council is made equally available to all candidates during the election period;
- Media and Communications engagement; and
- Delegated Committees, Community Asset Committees and Advisory Committees

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Statement

1. Decision-making through the election period

The Act prohibits Council from making certain decisions during the election period.

Section 69(2)(a) of the Act stipulates the matters Council is prohibited on making a decision during the election period. They include but are not limited to:

a) Appointment and remuneration of the CEO; or
b) Commits the Council to expenditure exceeding one per cent of Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
c) Matters that Council considers could be reasonably deferred until the next Council is in place; or
d) Matters that Council considers should not be made during an election period.

A Council decision made in contravention of a) or b) above is invalid. Any person who suffers any loss or damage as a result of acting in good faith on an invalid Council decision referred to in a) or b) above, is entitled to compensation from the Council for that loss or damage.

2. Resources, Campaign Material and Electoral Matter

2.1 Resources – Councillors and members of Council staff are prohibited from using Council resources, up to and during an election period for candidates nominated for the election. They must not inappropriately make use of their position to gain an advantage for themselves or another person. This includes but not limited to offices, support staff, meeting facilities, photocopying, Council logo, laptop and phone. They must be used exclusively for normal Council business during the election period. The Act prohibits a decision of Council to use resources in a way that is intended to influence, or is likely to influence, voting at a General or by-election of Council.

2.2 Campaign Material - Councillors as candidates are, however, able to publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Bass Coast Shire. This includes the use of the Council logo. Campaign material must not include Council photos taken in their role as a Councillor.

2.3 Electoral Matter - Electoral matter must be considered and dealt with in accordance with the definition under the Act and/or Regulations.

- Election Signage – Distribution and placement of any electoral material must be in accordance with Council Local Laws, Acts or Regulations.

3. Council business

3.1 Publication of Material - In considering whether to grant approval for the publication of material during the election period, in accordance with the provisions in the Act, the CEO, must not permit any material to be published which include reference to the following:

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- The election;
- A candidate in the election;
- A current Councillor; or
- An issue before the voters in connection with the election.

The CEO may approve publication of material which only contains information about:

- The holding of a meeting and the election process; or
- Council information that does not include any reference to a current Councillor otherwise precluded by this Policy.

The CEO after consulting with the Mayor, will set the agenda for Council meetings, ensuring there are no items for decision to be included that are prohibited under the Act.

3.2 Council Website and Social Media

During the election period, Council's website and social media platforms will not contain material which contravenes this Policy. References to the election will only relate to the election process. Information about Councillors will be restricted to names, contact details, membership of committees to which they have been appointed by Council.

3.3 Annual Report

The publication date of the Annual Report is mandated by the *Local Government Act 2020*. Publication content relating to Councillors, is limited by the Act and/or Regulations.

3.4 Council Publications

All publications circulated, displayed or otherwise publicly available during the election period will be reviewed by the relevant General Manager to ensure they do not contain material that may be construed as 'electoral matter'. This includes promotional material for any Council organised or sponsored function or event.

3.5 Functions and Events

3.5.1 Council Events and Functions – Only those essential to the operation of Council and approved by the CEO or relevant General Manager, will be held during the election period.

3.5.2 Public Events by External Bodies – Councillors must only attend events and functions during the election period in a personal capacity.

3.5.3 Speeches – Councillors must not give any speeches at Council or sponsored events and functions during the election period.

4 Community Engagement

a) No community engagement will be undertaken during the election period unless prior approval is obtained from the CEO.

b) Approval must be obtained from the CEO for community engagement that is required to commence prior to and extends into the election period.

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c) Where the engagement is approved, the results will not be reported to the Council until after the election period, except with the approval of the CEO.

Community engagement required pursuant to the *Planning and Environment Act 1987* or any other Act or Regulation is exempt from this Policy.

5 Access to Council Information

5.1 All candidates have equal rights to access public information from Council.

5.2 Candidate Requests - All candidate requests and the responses will be made available on Council's website, unless the CEO deems them invalid as they may contain an express or implicit reference to, or comment on:

a) the election;
b) a candidate in the election; or
c) an issue submitted to, or otherwise before voters in connection with the election.

Invalid requests will not be included on Council's website or a response provided.

5.3 Information and Briefing Material

Councillors will continue to receive information necessary to perform their role, however Councillors or candidates will not receive information from Council staff that could be seen to provide an advantage in the election. The information must not be related to election issues or to issues that might be perceived to be of an electoral nature.

6 Media and Communications

6.1 Media Advice – Councillors must refer any media enquiries to the CEO. No assistance will be provided in relation to election matters.

6.2 Media Releases / Spokesperson – Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the CEO will determine the appropriate person.

6.3 Publicity Campaigns – Council publicity campaigns during the election period must be approved by the CEO and will be restricted to communicating normal Council activities and initiatives.

6.4 Council Employees – During the election period, no Council employee may make any statement that relates to an election issue unless statements have been approved by the CEO.

7 Standing for State or Federal Election

7.1 Declaring Candidacy in an Election – A Councillor who expresses an intention to run as a candidate for a State or Federal election should provide written notice to the CEO as soon as practicable. The CEO should then provide written advice to all Councillors.

7.2 Leave of Absence – A Councillor who nominates as a candidate for a State or Federal Election, should apply for a leave of absence from Council. This leave of absence should commence no later than the date of their nomination as a candidate with the

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relevant electoral commission for the election and conclude no earlier than the close of voting for the election.
Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should consider this a reasonable request and approve that application.

During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.

A Councillor must immediately resign if they are successful in a State or Federal Election.

7.3 Improper Use of Position by Councillors - A Councillor who is a prospective candidate or a nominated candidate, should take care to differentiate between their role as a State or Federal election candidate and their role as a Councillor when making public comment. The Act prohibits Councillors from misusing or inappropriately making use of their position.

7.4 Candidates in a State or Federal Election – The content of this Policy also refers to candidates for State and Federal elections unless specified as a General or By-Election of Council.

Related Legislation, Associated Information and Resources

Legislation

- *Local Government Act 2020*

Associated Information

- Model Councillor Code of Conduct
- Social Media Policy 2020

Resources

- Local Government (Governance & Integrity) Regulations 2020

Revision History

Date	Version	Revision Description	Administered
8 March 2024	5.1	No substantive changes. Administrative update to remove the Annual Report financial year.	Council Officers
April 2025	5.2		Council Officers

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