



INDIGO SHIRE COUNCIL

GOVERNANCE RULES

2024

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Part 1 – INTRODUCTION

Part 1A: About these Rules

(1) Nature of these Rules

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

(2) Matters not expressly provided for

For all matters not specifically provided for in these Rules, Council may determine these matters by resolution.

(3) Context

- (a) Good governance, integrity and accountability are central to the Act, to underpin local government democracy, accountability, conduct and enable our community to have confidence in Council. Council is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to these Rules. The principles of good governance incorporate the principles outlined in the Act, including the overarching governance principles as well as the following principles:
 - (i) Community Engagement Principles (s56);
 - (ii) Public Transparency Principles (s58);
 - (iii) Strategic Planning Principles (s89);
 - (iv) Financial management Principles (s101); and
 - (v) Service Performance Principles (s106).
- (b) Council decision making will be founded on good governance and conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Rules for the scrutiny of our community and accountability of Councillors and Officers. Council recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.
- (c) Council seeks to apply good governance in order to:
 - (i) engage our community in decision making;
 - (ii) achieve the best outcomes for the Indigo Shire community, including future generations;
 - (iii) ensure the transparency of Council decisions, actions and information;
 - (iv) ensure the ongoing financial sustainability of Indigo Shire Council; and
 - (v) give the community confidence that Council is spending public monies wisely.

(4) Related Documents

These rules are to be read in the context of and in conjunction with:

- (a) Community Engagement Policy;
- (b) Public Transparency Policy; and
- (c) Councillor Code of Conduct.

(5) Decision Making

- (a) In any matter in which a decision must be made by Council (including by a Delegate), Council must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- (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 the Council is entitled to communicate their views and have their interests considered).

Part 2 – PRE-MEETING

Part 2A: Meetings and Agendas

(6) Scheduled Council Meetings

The Council –

- (a) Shall fix the day, time and location of all Scheduled Council Meetings for the coming 12 months at the Statutory Meeting; and
- (b) May, by resolution, alter the day, time and location of any Scheduled Council Meeting.

(7) Additional Council Meetings

- (c) An Additional Council Meeting will be held where –
 - (i) Written notice of the Additional Council Meeting is provided to the CEO by the Mayor or at least three Councillors; or
 - (ii) Council resolves to hold an Additional Council Meeting; or
 - (iii) The CEO after the day the returning officer for a general election publicly declares the result of the election and prior to the first Scheduled Meeting of Council.
- (d) The notice or resolution referred to in rule 7(c) shall specify the date, time and location of the Additional Council Meeting and the business to be transacted.
- (e) The date for the Additional Council Meeting specified in the notice or resolution referred to in rule 7(a)(i) must be no less than 7 days from the date the notice was provided to the CEO or the resolution was made.
- (f) The CEO must –
 - (i) As soon as possible notify all Councillors of the Additional Council Meeting; and
 - (ii) Provide such notice as is practicable, having regard to rule (8); and
 - (iii) Convene the Additional Council Meeting in accordance with the notice or resolution referred to in rule 7(a).
- (g) Unless all Councillors are present at an Additional Council Meeting and pass a resolution to deal with another matter, only the business specified in the notice of meeting or Council resolution may be transacted.

(8) Notice of meeting and agenda

- (a) Notice of a Council Meeting, including details of the date, time and location of the Council Meeting must be provided –
 - (i) To Councillors as soon as possible after the setting of the Council Meeting; and
 - (ii) To the public at least seven days prior to the Council Meeting.
- (b) The Agenda for a Council Meeting must be provided –
 - (i) To Councillors at least four business days prior to the Council Meeting; and
 - (ii) To the public at least three business days prior to the Council Meeting.
- (c) The CEO may include any matter on an Agenda which he or she believes should be considered by Council.
- (d) Despite anything in this rule (8), the CEO may provide such other notice of a Council Meeting, including such shorter notice, where he or she considers it necessary due to extraordinary circumstances.

(9) Cancellation or postponement of Council Meetings

- (a) The CEO may cancel or postpone a Scheduled Council Meeting either:
 - (i) in the case of emergency or other significant event likely to preclude the proper functioning of the meeting; or
 - (ii) because the business to be transacted at the Council Meeting has been otherwise disposed of.
- (b) Where the CEO postpones or cancels a Scheduled Council Meeting, he or she must give such notice to Councillors and the public as is practicable.
- (c) The CEO must submit a written report of the circumstances requiring the postponement or cancellation of a Scheduled Council Meeting under rule 9(a) to the next Scheduled Council Meeting.

Part 2B: Statutory Meeting

(10) Calling the Statutory Meeting

- (a) The Statutory Meeting must be held after the fourth Saturday in October but not later than 30 November each year.
- (b) The Statutory meeting is an Additional Meeting of Council.
- (c) The date of the:
 - (i) first Statutory Meeting after a general election will be fixed by the CEO; and
 - (ii) next Statutory Meeting after the first Statutory Meeting after a general election will be fixed at each Statutory Meeting and can only be varied by a resolution of Council.

(11) Agenda for Statutory Meeting

- (a) The Agenda for the Statutory Meeting must state the time, date and location of the meeting and, unless the CEO determines otherwise, include the following items –
 - (i) Determination of the Mayoral term as one or two years.
 - (ii) Election of Mayor.
 - (iii) Election of Deputy Mayor.
 - (iv) Councillor appointments to external organisations and internal committees.
 - (v) Adoption of the annual schedule for Scheduled Council Meetings, including the next Statutory Meeting.
 - (vi) Any other administrative items relating to the operation of the Council for the following year.
 - (vii) Any other items required by the Act.
- (b) No ordinary business of Council is to be considered at the Statutory Meeting.

(12) Temporary Chairperson

- (a) If the election of the Mayor is required, the CEO will chair the Statutory Meeting for the purposes of setting the Mayoral Term and electing the Mayor.
- (b) As Temporary Chairperson the CEO:
 - (i) has no voting rights, and;

- (ii) may determine Points of Order and perform other administrative actions under these Rules that are necessary for the smooth running of the Statutory Meeting.

(13) Setting Mayoral term

The election of the Mayor will be for a period of either one or two years as determined by Council resolution, except in the final year of a Council term when the Mayor can only be elected up to the end of that Council term.

(14) Election of Mayor

The election of the Mayor shall use the following procedure –

- (a) The Temporary Chairperson (CEO) must invite nominations for the office of Mayor.
- (b) A nomination that is not seconded will lapse and the Councillor nominated will not proceed to the Mayoral vote.
- (c) If there is only one nomination, that nomination must still go to a vote and receive an Absolute Majority of the votes to be declared successful.
- (d) Nominated Councillors may address the Statutory Meeting for up to five minutes on their candidacy. Nominated Councillors will be called in alphabetical order by surname.
- (e) Councillors present may only vote for one of the nominated Councillors, with nominated Councillors being put to the vote in alphabetical order by surname.
- (f) In the event of a nominated Councillor receiving an Absolute Majority of the votes that nominated Councillor is declared elected as Mayor for the term as previously decided by Council.
- (g) If no nominated Councillor receives an Absolute Majority of the votes –
 - (i) the nominated Councillor with the fewest votes is eliminated.
 - (ii) if more than two nominated Councillors are tied for the lowest number of votes, one nominated Councillor will be eliminated by the drawing of a Lot in accordance with rule (15).
 - (iii) The process of voting and elimination of nominated Councillors is repeated until:
 - (a) one nominated Councillor receives an Absolute Majority of the votes, and is therefore declared elected as Mayor for the term as previously decided by Council; or
 - (b) there are only two nominated Councillors remaining having an equal number of votes.
 - (i) Where two candidates have been nominated and no candidate receives an absolute majority of the Councillors of the Council, a second vote will be conducted.

- (ii) where, after a second vote, where two candidates have been nominated and no candidate receives an absolute majority of Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held no later than two weeks from the Statutory Meeting.

(15) Elimination by lot

If required in accordance with rule (14)(g)(ii), the CEO shall conduct the Lot and the following procedure shall apply –¹

- (a) One piece of paper (known as a lot) will be placed in a container for each nominated Councillor.
- (b) The word “Unsuccessful” shall be written on one piece of paper and the word “Successful” on the others.
- (c) The order of drawing lots will be determined by the alphabetical order of the nominated Councillors’ surnames.
- (d) Each nominated Councillor participating in the Lot will draw one lot.
- (e) The nominated Councillor who draws the paper with the word “Unsuccessful” written on will be eliminated by the Lot.

(16) Mayor to take chair

- (a) After the election of the Mayor is determined, the Mayor will chair the Statutory Meeting from that point forward.

(17) Election of the Deputy Mayor

- (a) The Mayor shall chair the Statutory Meeting for the election of the Deputy Mayor.
- (b) The election of the Deputy Mayor shall use the same procedure as the election of the Mayor, except for the term of office, which will be one year.

(18) Failure to elect a Mayor

¹ This rule does not apply when only two candidates remain tied for the election of Mayor – see rule 14(g)(iii)(b)



In the event that a Mayor is not elected at a Statutory Meeting the Council must set a date no later than two weeks from the Statutory Meeting for the purpose of electing a Mayor.

Part 2C: Conflicts of Interest

(19) Application

This Part 2C of these Rules applies only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.²

(20) Disclosure of conflict of interest at a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting

- (a) At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
 - (i) the item for which they have a conflict of interest;
 - (ii) whether their conflict of interest is general or material; and
 - (iii) the circumstances that give rise to the conflict of interest.
- (b) If the conflict of interest would unreasonably release the personal affairs of a third party or is otherwise defined as confidential under section 3 of the Act, the nature of the conflict may be given to the CEO in writing.³
- (c) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the Meeting until after the matter has been disposed of.
- (d) The time the Councillor left and re-entered the meeting, including the explanation given by the Councillor and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest, is to be recorded in the Minutes of the Meeting.

(21) Disclosure of a conflict of interest at a meeting conducted under the auspices of Council

- (a) A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which that Councillor is present must:
 - (i) 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 or
 - (ii) or if the conflict of interest would unreasonably release the personal affairs of a third party or is otherwise defined as confidential under section 3 of the Act, the

² Division 1A of Part 4 of the *Local Government Act 1989* was repealed on 24 October 2020.

³ The ability to advise the CEO in writing of confidential circumstances of a conflict of interest allows for the protection of confidential information while still adhering to requirements to disclose a conflict of interest.

nature of the conflict may be given to the CEO in writing as soon as practicable following the Meeting; and

- (iii) absent themselves from any discussion of the matter; and
 - (iv) as soon as practicable after the meeting concludes provide to the CEO a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.
 - (v) If the meeting is an informal meeting of Councillors as described in rule (70), or a meeting of an Advisory Committee of which the councillor is a member, the conflict of interest is to be recorded in the record of the meeting.
- (b) A meeting conducted under the auspices of Council includes, but is not limited to:
- (i) an informal meeting of Councillors as described in rule (70); or
 - (ii) a meeting of an Advisory Committee of which one or more Councillors is a member.

(22) Disclosure of conflict of interest by Officers preparing reports for Meetings

- (a) An Officer who, in his or her capacity as an Officer, has a conflict of interest in a matter in respect of which that Officer is preparing or contributing to the preparation of an Officer Report for the consideration of a:
- (i) Council Meeting;
 - (ii) Delegated Committee Meeting;
 - (iii) Community Asset Committee Meeting; or
 - (iv) Any other meeting conducted under the auspices of Council
- must, immediately upon becoming aware of the conflict of interest, provide a written notice to the CEO disclosing the conflict of interest and explaining the nature of the conflict of interest.
- (b) The CEO must ensure that the Officer Report referred to in rule (22)(a) records the fact that an Officer disclosed a conflict of interest in the subject-matter of the Officer Report.
- (c) If the Officer referred to in rule (22)(a) is the CEO:
- (i) the written notice referred to in rule (22)(a) must be given to the Mayor; and
 - (ii) the obligation imposed by rule (22)(b) may be discharged by any other Officer responsible for the preparation of the Officer Report.

- (23) Disclosure of conflict of interest by Officers in the exercise of delegated powers or statutory function:
- (a) An Officer who has a conflict of interest in a matter requiring a decision to be made by the Officer as delegate must immediately upon becoming aware of the conflict of interest:
 - (i) provide a written notice to the CEO explaining the nature of the conflict of interest
 - (ii) In accordance with 130(2) of the Act, exclude themselves from the decision-making process in relation to that matter.
 - (b) If the Officer referred to in rule (23)(a) is the CEO the written notice must be given to the Mayor.

(24) Retention of written notices

The CEO must retain all written notices received under this Part 2C of these Rules for a period of three years.

(25) Conflict of interest and confidential items

Where the conflict of interest relates to a confidential item, the conflict may be declared in the confidential section of the Council Meeting.

Part 2D: Physical and Remote Attendance

(26) Mode of Attendance

- (a) Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
 - (i) wholly in person;
 - (ii) wholly by electronic means; or
 - (iii) partially in person and partially by electronic means.
- (b) The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:
 - (i) wholly in person;
 - (ii) wholly by electronic means; or
 - (iii) partially in person and partially by electronic means.
- (c) If a Council meeting is to be conducted wholly in person a Councillor may nonetheless, in exceptional circumstances, request to attend by electronic means.
- (d) Any request made under sub-Rule 26(c) must:
 - (i) be in writing;
 - (ii) be given to the Chief Executive Officer no later than four hours prior to the commencement of the relevant Council meeting; and
 - (iii) specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person, for the purposes of noting these reasons in the meeting minutes.
- (e) The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 26(c) and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- (f) Council may approve and must not unreasonably refuse any request.
- (g) A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting.
- (h) Without detracting from anything said in sub-Rule 26(g), a Councillor who is attending a meeting by electronic means must be able to:
 - (i) hear the proceedings;
 - (ii) see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;

- (iii) be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and
- (iv) be heard when they speak.
- (i) If the conditions of sub-Rule 26 (h) cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
 - (i) the Council meeting will nonetheless proceed as long as a quorum is present; and
 - (ii) the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meetingunless the Council meeting has been adjourned in accordance with these Rules.
- (j) Nothing in this Rule 26 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 26(h) even if the Council meeting has already commenced or has continued in their absence.

(27) Meetings Conducted Remotely

If a Council meeting is conducted wholly or partially by electronic means, the Chair may, with the consent of the meeting, modify the application of any of the Rules in this part to facilitate the more efficient and effective transaction of the business of the meeting.

Part 3 – DURING MEETINGS

Part 3A: Meeting Administration

(28) Meetings open to public

- (a) Unless rule 28(b) applies, all Council Meetings and Delegated Committee Meetings will be open to the public.
- (b) By resolution, Council, a Delegated Committee or Community Asset Committee may close a meeting to members of the public in the circumstances prescribed by section 66(2) of the Act.
- (c) A meeting is deemed to satisfy the requirement to be open to the public, subject to 28(b), if it is:
 - (i) held in premises where members of the public can attend subject to 28(b); or
 - (ii) Livestreamed on Council’s Website or a recording of the meeting is placed on the council website as soon as practicable after the meeting.

(29) Chairperson

- (a) The Mayor must preside as Chairperson at all Council Meetings at which they are present, unless precluded from doing so because of a conflict of interest or otherwise under the Act or these Rules.
- (b) In the absence of the Mayor, the Deputy Mayor must preside as the Chairperson at any Council Meeting at which they are present unless precluded from doing so because of a conflict of interest or otherwise under the Act or these Rules.
- (c) In the event that both the Mayor and Deputy Mayor are absent from a Council Meeting, the CEO is to open and Chair the Council Meeting until Council elects a Chairperson to preside over the Council Meeting in accordance with these Rules.

(30) Agenda items: Scheduled Council Meetings

- (a) The Agenda for a Scheduled Council Meeting will be fixed by the CEO in consultation with the Mayor.
- (b) Unless determined otherwise by the CEO in consultation with the Mayor, the Agenda for a Scheduled Council Meeting will include:
 - (i) Welcome.

- (ii) Apologies and leaves of absence.
- (iii) Declaration of Conflict of Interest.
- (iv) Open Forum
- (v) Condolences.
- (vi) Community and Council achievements.
- (vii) Confirmation of previous minutes.
- (viii) Business arising from previous Council Meeting.
- (ix) Petitions.
- (x) Officer Reports.
- (xi) Report of Committees.
- (xii) Notices of motion.
- (xiii) Delegates⁴ and Councillor reports.
- (xiv) General business.
- (xv) Confidential business.

(31) **Agenda Items: Additional Council Meetings**

Agendas for Additional Council Meetings will relate only to the item(s) for which the Additional Council Meeting was called.

(32) **Adding or changing the items on the Agenda**

- (a) By resolution Council may:
 - (i) change the order of items on the Agenda for a Council Meeting;
 - (ii) introduce an item or items of late business to a Scheduled Council Meeting Agenda in accordance with rule (45); or
- (b) Items of business can only be added to the Agenda for an Additional Council Meeting in accordance with rule (7)(g) of these Rules.

⁴ Member of a Delegated Committee who is not a Councillor.

(33) Welcome and preliminaries

- (a) Meeting preliminaries may include cultural ceremonial activities (such as acknowledgement of traditional owners, etc.)
- (b) Meeting preliminaries may also include, at the discretion of the Chairperson, items of community interest, such as:
 - (i) recognition of a significant award or milestone of a community member or group; and
 - (ii) acknowledgement of a significant regional event.
- (c) Items proposed to be included under rule 33(b) must be:
 - (i) items of general community interest and acknowledgement only that do not require a formal resolution of Council;
 - (ii) notified to all Councillors at least two hours prior to the Council Meeting at which they will be introduced; and
 - (iii) Apolitical and generally limited to good new stories and acknowledgment of community members or community group work.
- (d) Meeting preliminaries may be amended by Council resolution at any Scheduled Council Meeting or the annual Statutory Meeting.

(34) Apologies and leave of absence

If a Councillor will be absent from a Council Meeting, the Councillor should request a leave of absence prior to the period of absence.

(35) Open forum

- (a) Open Forum allows for questions to be asked of Council relating to the items at the Scheduled Council Meeting, and other matters.
- (b) Visitors present at a Scheduled Council Meeting may ask up to three questions of Council, but shall do so only after having submitted those questions in writing by the earlier of:
 - (i) 5:00pm on the day of the Scheduled Council Meeting; or
 - (ii) 90 minutes prior to the commencement of the Scheduled Council Meeting.
- (c) The Chairperson may, at their discretion, allow for late questions.
- (d) The time allowed at a Scheduled Council Meeting for questions and the number of questions from any one Visitor may be varied at the discretion of the Chairperson.

- (e) No question may be dealt with unless the questioner (or a nominated representative) is present at the Scheduled Council Meeting at which the question is to be asked.
- (f) A question must be disallowed by the Chairperson if it:
 - (i) relates to the personal circumstances of a Councillor or Officer; or
 - (ii) is not in the interest of the community; or
 - (iii) relates to a matter beyond or outside the Council's power; or
 - (iv) is a statement, or otherwise considered by the Chairperson as being not a genuine question; or
 - (v) is defamatory, indecent, abusive or objectionable; or
 - (vi) is asked with the intention of embarrassing a Councillor, an Officer or a member of the public; or
 - (vii) repeats a question already asked (whether at that Scheduled Council Meeting or a previous Council Meeting); or
 - (viii) involves the disclosure of Confidential Information; or
 - (ix) is otherwise deemed inappropriate by the Chairperson.
- (g) The Chairperson shall read the written question to Council.
- (h) The question asked will be in the form of the submitted written question without elaboration or addition.
- (i) Answers may be given during the Scheduled Council Meeting or taken on notice. Where appropriate, responses to questions taken on notice will be included in the Business Arising section of a future Agenda.
- (j) Where deemed appropriate by the Chair, a written response of the answer will be sent to the person who asked the question.
- (k) Councillors may discuss the questions raised or ask clarifying questions.
- (l) No additional discussion or debate is permitted by the questioner or members of the gallery.

(36) Condolences

- (a) Any Councillor may request that the passing of a current or former Councillor, officer or notable community member be recorded in the Minutes of the Scheduled Council Meeting at which it is raised.
- (b) The Councillor may give a brief description of the person and their contribution to the community.
- (c) Any Councillor may request, without the need for a Council Resolution, that a formal letter of condolence be sent to the family.

(37) Community and Council achievements

- (a) At each Scheduled Council Meeting Councillors will be provided an opportunity to highlight any notable achievements from the community or Council, such as:
 - (i) sporting achievements;
 - (ii) major awards; and
 - (iii) significant milestones
- (b) At the discretion of the Chairperson, a community member of a group may speak to the achievement.
- (c) A matter can only be raised under rule (37)(a) if:
 - (i) the achievement does not relate to an item already included on the Agenda for the Scheduled Council Meeting; and
 - (ii) all Councillors have been notified of the intention to discuss a specific achievement at least 24 hours prior to the Scheduled Council Meeting at which it is to be raised; and
 - (iii) prior approval of the Chairperson has been obtained.
- (d) A maximum of three minutes is allocated for discussion of each achievement raised under rule 37(a).

(38) Confirmation of previous Minutes

- (a) Minutes of each Council Meeting will be confirmed by resolution of Council at the next available Scheduled Council Meeting.
- (b) No debate will be permitted on confirmation of the Minutes except at it relates to the accuracy of the Minutes as a record the relevant Council Meeting.

(39) Petitions

- (a) To be considered at a Scheduled Council Meeting, a petition must be received at Council's Beechworth Office at least one week prior to that Scheduled Council Meeting.
- (b) To be accepted by Council, a petition must:
 - (i) be legible; and
 - (ii) be addressed to Indigo Shire Council; and
 - (iii) be in English or accompanied by a certified English translation; and
 - (iv) be stated respectfully and be temperate in language; and
 - (v) state the action or remedy sought from Council on every page; and

- (vi) have at least one signature; and
 - (vii) contain the signatures, names and addresses of each petitioner (a person incapable of signing may have someone else sign on his or her behalf).
 - (viii) Electronic or online petitions must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this rule, qualify as the address and signature of such petitioner or signatory; and
 - (ix) not contain signatures that have been pasted or in any other way transferred or attached to it; and
 - (x) if from a corporation, be made under its common seal.
- (c) Petitions may be formally submitted to Council's office at any time by providing one electronic copy (in PDF format emailed to info@indigoshire.vic.gov.au) or paper copy (via post or in person at Council's Beechworth Office).

A compliant petition will be included on the Agenda for the next available Scheduled Council Meeting with the names and addresses of the petitioners redacted. A summary report will contain the nature of the petition, the number of petitioners, and the number of petitioners' addresses from inside and outside Indigo Shire. Councillors will be provided with an un-redacted copy of the petition via confidential Agenda attachment

- (d) In acknowledging a compliant petition at a Council Meeting;
- (i) the Chairperson will state the action being requested by the petition, and;
 - (ii) the Chairperson will confirm the total number of signatures to the petition, and;
 - (iii) Council may pass a resolution to:
 - a. require the CEO to provide a response to the petition in accordance with Council's protocols for written communication; or
 - b. require the CEO to provide a response to the petition at a future Council Meeting; or
 - c. note the petition; or
 - d. require any other action that is appropriate to the petition, and within the powers of Council.
- (e) A response to the petition will be made in writing and addressed to the person who appears as the first signatory.
- (f) A copy of the response to a tabled petition will be sent to all Councillors and may be included on the Agenda for a future Council Meeting as a separate report or as business arising from the Council Meeting at which the petition was acknowledged.

(40) Presentation of Officer Reports

- (a) The Chairperson may, immediately before Council considers an Officer Report included on the Agenda for a Council Meeting, request that an Officer give a short introduction to the Officer Report.

- (b) An Officer Report will not be read in full at any Council Meeting unless Council resolves to the contrary.
- (c) A Councillor may, at the discretion of the Chairperson, ask a clarifying question of an Officer.

(41) Notices of Motion

- (a) A Councillor may include a matter on the Agenda for consideration at a Scheduled Council Meeting by submitting a Notice of Motion.
- (b) A Notice of Motion must be in writing and be lodged with the CEO with sufficient time to give each Councillor at least five business days' notice of such Notice of Motion.
- (c) A Notice of Motion may be rejected by the CEO if it:
 - (i) does not comply with these Rules or any legislation; or
 - (ii) is outside the powers of Council; or
 - (iii) does not clearly articulate a particular action of Council; or
 - (iv) seeks to rescind or alter a previous resolution that has already been acted on; or
 - (v) in the case of a Notice of Motion to rescind or amend a previous resolution of Council, if it does not conform to rule 64; or
 - (vi) contains defamatory statements or is otherwise offensive.
- (d) A Notice of Motion that is deemed by the CEO to contain Confidential Information must be presented in a confidential report.
- (e) The CEO must state in writing the reason for any rejection of a Notice of Motion under rule (41)(c), or classification as Confidential Information under rule (41)(d), and, subject to the notification requirements at rule (41)(b), allow the Councillor an opportunity to resubmit the Notice of Motion.
- (f) The full and unedited text of any Notice of Motion must be included on the Agenda for the Council Meeting at which it is to be considered.
- (g) Except by Council resolution, each valid Notice of Motion must be considered in the order in which they were received.
- (h) If a Councillor who has given a Notice of Motion is absent from the Council Meeting at which it is to be considered, or otherwise fails to move the motion when called upon by the Chairperson to do so, any other Councillor may move the motion.
- (i) A Councillor may move a motion that differs from the published Notice of Motion provided the motion that is moved is fundamentally similar to the published motion and does not vary in a significant way from the original motion.
- (j) A Notice of Motion that is moved, but not seconded, lapses.
- (k) In moving a Notice of Motion, a Councillor must move the motion only. Further comment or expansion of the topic must be saved for the debate.

- (l) Once moved and seconded, a Notice of Motion can be amended by Council resolution in accordance with the usual rules for amending a motion.
- (m) No additional or new motions (that do not meet the Notice of Motion requirements) can be moved in the section of a Scheduled Council Meeting set aside for the consideration of Notices of Motion.

(42) Councillor Reports

- (a) Council may require a Councillor to provide an individual periodic report on the Councillor's Council-related activities.
- (b) The format and content of any Councillor Reports required under this rule will be determined by Council from time to time.
- (c) A Councillor Report does not require a resolution and is considered to be a personal statement by a Councillor, not a formal Council report.
- (d) A Councillor may speak to their Councillor Report for up to 3 minutes but no debate on Councillor Reports will be permitted.

(43) General business

- (a) General Business Items shall be admitted for the consideration of Council at the discretion of the Chairperson.
- (b) General Business Items must:
 - (i) relate to the functions and powers of Council;
 - (ii) be limited to requests for a report or routine action; and
 - (iii) be rejected by the Chairperson if they relate to matters beyond the powers of Council.
- (c) Requests for action may be accepted by the CEO without the need for a formal vote.
- (d) At the request of any Councillor or the CEO a request for action must be put to a vote.

(44) Confidential business

- (a) Council may close a Council Meeting to the public in the circumstances prescribed by section 66(2) of the Act.
- (b) A Council resolution is required for Council to close a Council Meeting to the public.
- (c) The Council resolution must state the reason that the Council Meeting is being closed to the public by reference to the circumstances prescribed by the Act.
- (d) The Minutes of a Council Meeting closed to the public must record the:
 - (i) basis on which the Council Meeting was closed to the public; and

- (ii) where relevant, the matters required by section 66(5) of the Act.
- (e) Council shall resolve to re-open the Council Meeting to the public as soon as the purpose for which the Council Meeting was closed has been disposed of.
- (f) Separate Minutes of the matters dealt with by Council during a Council Meeting that is closed to the public shall be kept, including any confidential reports and, where the Minutes contain Confidential Information, they will be kept confidential until Council resolves otherwise.

(45) Late business

- (a) Business must not be admitted for consideration at a Council Meeting as late business unless:
 - (i) it is raised by either the CEO or a Councillor;
 - (ii) the consideration of the item at that particular Council Meeting is important to the efficient operation of Council; and
 - (iii) a resolution is passed to accept the late business.
- (b) This rule shall be used only where there is a genuine need to consider a matter urgently and must not be used to reduce transparency of Council business, or to circumvent the usual publication of Agenda items to Councillors or the community.

(46) Meeting Minutes

- (a) The CEO, or Delegate, must keep Minutes of each Council Meeting.
- (b) Minutes must include the following items:
 - (i) The body holding the Meeting to which the Minutes relate.
 - (ii) The date, place and time of the Meeting together with the time it commenced and concluded.
 - (iii) The names of the Councillors present.
 - (iv) Any interest or conflict of interest disclosed, including the explanation given by the Councillor or Officer and whether the conflict of interest was said by the Councillor or Officer to be a general conflict of interest or a material conflict of interest.
 - (v) Questions from the gallery, the names of the submitter and a summary of the response.
 - (vi) The failure to obtain or maintain a quorum.
 - (vii) Arrivals and departures (including temporary departures) of Councillors during the course of the Meeting.

- (viii) Each motion and amendment moved (including motions and amendments that lapse).
 - (ix) The result of each vote including the names of Councillors voting for and against, and who did not in respect of, a motion.
 - (x) Changes in the chairing of the Meeting.
 - (xi) All reports submitted to the Meeting.
 - (xii) The names of any presenters.
- (c) A copy of the Minutes must be supplied to each Councillor no later than two weeks after the Council Meeting to which they relate.
 - (d) Any Minutes relating to Council's consideration of Confidential Information are also deemed to be confidential unless Council resolves otherwise.
 - (e) Minutes are unconfirmed until confirmed at a subsequent Council Meeting in accordance with rule 38.

Part 3B: The running of the Meeting

(47) Time limits

- (a) The business and order of business of a Council Meeting is to follow the Agenda for that Council Meeting unless altered by Council resolution.
- (b) The Council Meeting must:
 - (i) start within 30 minutes of the advertised start time; and
 - (ii) not go longer than four hours in length unless Council resolves to extend the time for the Council Meeting.
- (c) If a Council Meeting:
 - (i) has not commenced by the time specified in rule (47)(b)(i); or
 - (ii) continues beyond four hours without a resolution of Council under rule (47)(b)(ii), the Council Meeting must stand adjourned to a future date; and
 - (iii) the Chairperson will announce the time, date and location of the adjourned Council Meeting; and
 - (iv) all remaining business will be included on the Agenda for the adjourned Council Meeting.

(48) Quorum

- (a) A quorum for a Council Meeting is an Absolute Majority of the Councillors.
- (b) All Council Meetings must attain a quorum before the Council Meeting can commence.
- (c) If, after 30 minutes from the scheduled starting time of a Council Meeting, a quorum cannot be gained the Council Meeting is adjourned in the manner provided by rule (47)(c).
- (d) If a quorum cannot be maintained during the course of a Council Meeting due to the temporary absence of Councillors (e.g. due to the declarations of conflict of interest), Council will consider whether the decision can be made by dealing with the matter in an alternative manner, in accordance with section 67 of the Act and, if not, the Chairperson may adjourn the current item of business under consideration to allow the Council Meeting to continue.
- (e) If a quorum is lost during the course of the Council Meeting, and is unlikely to be regained, the Chairperson will adjourn the unfinished business to the next Council Meeting.

(49) Adjourning a Council Meeting

- (a) A Council Meeting may be adjourned for a specified period of time by:

- (i) the Chairperson if there are no objections from a Councillor; or
 - (ii) resolution of Council pursuant to a Procedural Motion.
- (b) The Chairperson will announce the time, date and location of the adjourned Council Meeting.
- (c) All remaining business will be included on the Agenda for the adjourned Council Meeting.

(50) Behaviour

- (a) Councillors shall remain seated when speaking at a Council Meeting.
- (b) The Chairperson may allow a Councillor, Officer or Visitor to rise to address the Council Meeting.
- (c) A Councillor who is entitled to speak must not be interrupted except by the Chairperson or a Point of Order (including a request for a Personal Explanation under rule 60) from any Councillor.
- (d) If a Councillor is interrupted by the Chairperson or upon a Point of Order by another Councillor, that Councillor must remain silent until the Chairperson has ceased speaking, the Point of Order has been determined or the personal explanation has been given.
- (e) A Councillor must not digress from the subject matter of the motion or business under discussion.

(51) Improper and disorderly conduct

- (a) The Chairperson may require a Councillor, officer, visitor or any other person to withdraw any remark that the Chairperson considers to be offensive, disrespectful or defamatory and may ask that person to apologise to the Meeting.
- (b) The Chairperson must not accept any motion, question or statement that appears to the Chairperson to be derogatory, defamatory or intended to embarrass any Councillor, person or group.

(52) Adjournment and suspensions

- (a) Where the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, the Chairperson may adjourn the Council Meeting to a later time on the same day or to some later day as appropriate.
- (b) Council may, by resolution, adjourn an item of business to facilitate the orderly conduct of the Council Meeting.
- (c) In addition to any powers of the Chairperson under section 19(1)(b) of the Act, Council may, by resolution, suspend any Councillor, for a particular item of business or the

remainder of the Council Meeting, whose actions have significantly and consistently disrupted the business of the Council, and have impeded its orderly conduct.

(53) Removal from the Council Meeting

- (a) The Chairperson shall call to order any member of the public who is disruptive or unruly during any Council Meeting.
- (b) If a member of the public continues to disrupt the Council Meeting after being called to order the Chairperson may order them to leave the Council Meeting.
- (c) The Chairperson may ask the CEO, an Authorised Officer or a member of the Victoria Police to remove from the Council Chamber any person who has refused to leave the Council Chamber after a direction issued under rule 53(b).

(54) Recording of Council Meetings

- (a) Council may record the voice or image of people attending Council Meetings and the recording may, at the discretion of Council, be retained, published online and/or live streamed.
- (b) The Chairperson of a Council Meeting that is open to the public must, at the commencement of the Council Meeting, inform all people in attendance that the Council Meeting may be recorded by Council, and that their voice or image may be captured as part of any recording.
- (c) Any recording or transmittal of voice or image, other than that performed by Council, is prohibited unless:
 - (i) permission has been requested at least three hours prior to the commencement of the Council Meeting with details of the type of recording/transmittal requested and the intended use of the recording/transmittal; and
 - (ii) permission to record/transmit has been granted in writing by the CEO, subject to such conditions, if any, that the CEO sees fit; and
 - (iii) the recording/transmittal is performed in a way that makes it clear to others in attendance at the Council Meeting that voice or image recording/transmittal is taking place; and
 - (iv) the recording or transmittal occurs in accordance with the details provided in the written request under rule 54(c)(i) and any conditions imposed under rule 54(c)(ii).

(55) Motions and debate

- (a) The Chairperson shall only accept motions that –
 - (i) comply with these Rules; and
 - (ii) relate to the powers or functions of Council; and

- (iii) if requested by the Chairperson or CEO, are given in writing; and
 - (iv) are relevant to an item of business on the Agenda (except in the case of Late or General Business); and
 - (v) clearly articulate a particular action of Council; and
 - (vi) do not contain Confidential Information; and
 - (vii) are not defamatory or objectionable in language or nature.
- (b) At the discretion of the Chairperson a Councillor may foreshadow a future motion at any stage by stating the wording of the foreshadowed motion in general terms without debating or discussing the foreshadowed motion or using the foreshadowing process to add to any other debate or discussion.

(56) Moving and seconding a motion

- (a) A motion may be moved and seconded by any Councillor.
- (b) The mover must not commence speaking to the motion until it has been seconded.
- (c) A motion or amendment which is not seconded lapses.
- (d) A motion or amendment that has been seconded must be dealt with and can only be withdrawn by a Procedural Motion to close the motion or amendment.

(57) Motion or amendment from the Chairperson

- (a) If the Chairperson wishes to move a motion or amendment–
 - (i) the Chair must be vacated; and
 - (ii) the vacant Chair must be taken in accordance with rule (29); and
 - (iii) the new Chairperson must physically (unless not possible due to physical constraints) move to the Chair's position at the meeting table; and
 - (iv) at the conclusion of the motion or amendment, the original Chairperson must resume their position.

(58) Debating a motion or amendment

If a motion or amendment is moved and seconded:–

- (a) The mover may address Council for a period not exceeding three minutes.
- (b) The seconder may speak to the motion or amendment for a period not exceeding three minutes, or reserve their right to speak at a later stage of the debate, always before the mover exercises, or declines to exercise, his or her right of reply under rule (58)(f).
- (c) Any other Councillor, including the Chairperson, may speak to the motion for a period not exceeding three minutes.

- (d) The Chairperson will determine the order of speakers and should, as far as practical, alternate between speakers for and against the motion.
- (e) A Councillor may speak no more than once on the same motion and no more than once on an amendment unless given leave to do so by the Chairperson.
- (f) The mover of a motion must, except in the case of an amendment, be given a right of reply for a maximum of three minutes.
- (g) The mover of a motion must not introduce any new matter when exercising a right of reply.
- (h) The Chairperson must then put the motion to the vote.

(59) **Questions during motions and debate**

- (a) Clarifying questions from Councillors may be asked of either Councillors or officers at any time at the discretion of the Chairperson.
- (b) Questions must be relevant to the Agenda item under consideration.
- (c) Questions must be for clarification and must be asked in a succinct manner without making unnecessary statements or entering into debate.
- (d) Questions must not be offensive, objectionable or otherwise inappropriate.

(60) **Personal explanation**

- (a) At the discretion of the Chairperson a Councillor may, at any time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting them as a Councillor.
- (b) 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 or affecting them or any member of Council staff.
- (c) A personal explanation arising out of a statement at a Council Meeting must be made as soon as possible after the statement is made.
- (d) A personal explanation must not be interrupted or debated except upon a motion to censure the person making the explanation.

(61) **Amending a motion**

- (a) An amendment must retain the intent of the motion and may only add, remove or alter aspects that maintain the original intent of the motion.
- (b) No amendment shall be moved that is contrary in substance to, or the opposite of, the original motion.
- (c) The mover and seconder of a motion cannot move or second an amendment to it.

- (d) If an amendment is moved and seconded, and that amendment is accepted by both the mover and seconder of the original motion, then the motion is amended without the need for a seconder or a vote on the amendment.
- (e) Debate and voting on an amendment will be in accordance with rule (58), except that the mover of an amendment has no right of reply.
- (f) A second or subsequent amendment cannot be moved until the current amendment has been finalised.
- (g) If any Councillor intends to move a second or subsequent amendment, that Councillor may foreshadow that intention.
- (h) If an amendment is adopted it becomes the substantive motion.
- (i) A Councillor cannot move more than one amendment in succession, unless permitted by the Chairperson.

(62) **Voting on a motion**

- (a) Councillors must remain seated in silence while a vote is being taken.
- (b) Subject to the Act, and unless otherwise determined by resolution of Council, voting must be by a clear show of hands or other demonstration of support as recognised by the Chair.
- (c) The Chairperson may direct that the vote be re-counted as often as may be necessary for the Chairperson to be clear about the result.
- (d) The Chairperson must ask each Councillor wishing to vote for the motion to raise a hand, and, upon such request being made, each Councillor wishing to vote for the motion must clearly raise one of their hands or otherwise signify their support in a manner recognised by the Chair.
- (e) The Chairperson must ask each Councillor wishing to vote against the motion to raise a hand, and, upon such request being made, each Councillor wishing to vote against the motion must clearly raise one of their hands or otherwise signify their support in a manner recognised by the Chair.
- (f) The Chairperson must identify any Councillor who does not vote on the motion and request them to explain the reason for abstaining (in accordance with Rule 63).
- (g) The Chairperson must declare the motion as –
 - (i) carried, if a majority of Councillors present at the Council Meeting at the time that the vote is taken vote for the motion; or
 - (ii) lost, if less than a majority of Councillors present at the Council Meeting at the time that the vote is taken vote for the motion.
- (h) If the number of votes in favour of a motion is half the number of Councillors present at the Council Meeting at the time that the vote is taken, the Chairperson shall, subject to the Act, have a second and casting vote in addition to their vote as a Councillor.

- (i) The Chair may adjourn a meeting to consider how their casting vote will be cast.
- (j) The Minutes will record in respect of each motion and amendment moved and seconded at a Council Meeting:
 - (i) The names of Councillors voting for a resolution.
 - (ii) The names of Councillors voting against a resolution.
 - (iii) The names of Councillors abstaining from the vote.
 - (iv) The result of the vote as either “Carried” or “Lost”.
- (k) The resolution is not to be discussed after the vote.

(63) Abstaining from a vote or division

- (a) If a Councillor abstains from a vote, the Chairperson may ask the Councillor to clearly indicate to the Chair that they are abstaining and explain to the Council Meeting why they are abstaining from the vote.
- (b) A Councillor is not obliged to provide any explanation to the Chairperson when asked to do so under rule (63)(a).
- (c) A maximum of one minute is allowed for the explanation in rule 63(a).
- (d) If the majority of Councillors present at a Council Meeting abstain from a vote on a motion, the motion is lost.

(64) Rescission or amendment of a previous resolution

- (a) A proposal to rescind or amend a previous resolution of Council must be –
 - (i) provided to the CEO as a Notice of Motion under and in accordance with rule (41); or
 - (ii) included in an Officer report to Council.
- (b) A Notice of Motion to rescind or amend a previous resolution of Council must be endorsed in writing by at least two Councillors.
- (c) A motion to rescind or amend a previous resolution must not be introduced into General Business or Late Business.
- (d) A previous resolution of Council cannot be rescinded or amended if the resolution (or the part of the resolution that is being amended) has been acted on.
- (e) A resolution will be deemed to have been acted on if –
 - (i) it has been formally communicated to a person whose interests are materially affected by it; or
 - (ii) a statutory process has commenced so as to vest enforceable rights in, or obligations on, Council or any other person.

- (f) The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
 - (i) has not been acted on; and
 - (ii) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule (64)(a),
 - (iii) unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
- (g) 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.
- (h) Unless sub-Rule 64(i) applies, a motion for rescission is not required where Council wishes to change policy.
- (i) The following standards 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 must 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.

(65) Procedural Motions

- (a) A Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson. A full table of procedural motions can be found at Part 6.
- (b) All Procedural Motions must be moved and seconded.
- (c) Once voted upon, if a Procedural Motion is lost, the business of the Council Meeting continues unaffected.
- (d) A Procedural Motion cannot be debated or amended. However, at the request of the Chair, the mover may clarify their reason for the motion.
- (e) Meeting adjournment
 - (i) A meeting may be adjourned –
 - (a) for a set period of time; or
 - (b) to later on the same day; or
 - (c) to a future Council Meeting, the date, time and location of which is specified; or
 - (d) to a future Council Meeting immediately after the satisfaction of a Condition Precedent.
 - (ii) Procedural Motion wording –

“That the meeting be adjourned until <Time> and/or <Date> and/or <Condition Precedent>”.

- (iii) Adjournment for a set period of time or to later on the same day.

If passed, the Council Meeting is adjourned immediately without any further debate or discussion. The Council Meeting recommences at the point that it was adjourned.

- (iv) Adjournment to a subsequent day.

- (a) If the Council Meeting is adjourned to a subsequent day, any existing motion and debate lapses and the Council Meeting recommences at the start of the Agenda item under consideration at the time of the adjournment.
- (b) To the extent possible, notice of the rescheduled Council Meeting will be given in accordance with rule (8).
- (c) Subject to rule (45), no new business can be added to the Agenda of a Council Meeting that is adjourned to a later date.

- (f) Meeting closure

- (i) Procedural Motion wording –

- (ii) ***“That the meeting be closed”.*** If passed, this resolution closes the Council Meeting immediately without any further debate or discussion.

- (iii) Any unfinished business may be included on the Agenda for a subsequent Council Meeting at the discretion of the CEO.

- (g) Item deferral

- (i) An item of business may be deferred to –

- (a) later in the same Council Meeting; or
- (b) a future Council Meeting, the date, time and location of which is specified; or
- (c) a future Council Meeting immediately after the satisfaction of a Condition Precedent.

- (ii) Procedural Motion wording –

“That agenda Item <XX> be deferred until <Time> and/or <Date> and/or <Condition Precedent>”.

- (iii) If passed, this resolution closes the Agenda item immediately without any further debate or discussion and any current motion lapses. The Council Meeting will move on to the next item of business on the Agenda and the deferred item will be brought back to a Council Meeting in accordance with the Procedural Motion.

- (h) Item closure

- (i) Procedural Motion wording –

“That agenda Item <XX> be closed”

- (ii) If passed, this closes the Agenda item immediately without any further debate or discussion and any current motion lapses.
- (iii) The Council Meeting will move on to the next item of business on the Agenda.

(i) Motion/Amendment Closure

- (i) Procedural Motion wording –

“That the current motion/amendment be closed”.

- (ii) If passed, all debate and discussion on the motion or amendment to the motion ceases immediately and the motion or amendment lapses.
- (iii) If no other motions are moved, the Council Meeting moves to the next item of business on the Agenda.

(j) Debate Closure

- (i) Procedural Motion wording –

“Procedural Motion – That the motion be put to a Vote”

- (ii) This procedural motion is intended to progress a matter that has stalled or become bogged down in process. The use of this procedural motion to reduce valid debate on a motion is not permitted.
- (iii) If passed, all debate and discussion on the motion or amendment ceases immediately and the motion or amendment is put to the vote.

(66) **Points of order**

(a) Valid Points of Order.

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

The Point of Order may be taken on the grounds that the matter is –

- (i) contrary to these Rules;
- (ii) defamatory or offensive; or
- (iii) irrelevant to the matter under consideration; or
- (iv) outside Council’s power; or
- (v) constitutes improper behaviour; or
- (vi) constitutes a tedious repetition of something already said; or
- (vii) is an act of disorder; or
- (viii) is a statement that is verifiably incorrect.

A difference of opinion on an item of business or a trivial or inconsequential breach of meeting procedures is not a valid Point of Order.

- (b) Procedure for Point of Order.
 - (i) A Councillor raising a Point of Order must state the nature of the Point of Order; and
 - (ii) State the provision, rule, practice or precedent relevant to the Point of Order.
- (c) When a Point of Order is called the Councillor speaking at the time must stop and Councillors are to remain silent and seated until the Chairperson rules upon it.
- (d) No debate or discussion is permitted on the Point of Order except for clarifying questions asked by the Chairperson.
- (e) All motions, questions or any other business is suspended until the Point of Order is decided.
- (f) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the Point of Order raised.
- (g) The Chairperson may adjourn the Council Meeting to consider a Point of Order but otherwise must rule on it as soon as it is raised.
- (h) Dissent from Chairperson's ruling
 - (i) A Councillor may move that the Council Meeting disagree with the Chairperson's ruling on a Point of Order, by moving –
"That the Chairperson's ruling be nullified / changed to..."
 - (ii) When a motion of dissent is moved and seconded, the Chairperson must vacate the Chair and the vacant Chair must be taken in accordance with rule (29).
 - (iii) The temporary Chairperson must invite the mover to state the reasons for his or her dissent and the previous Chairperson may then reply. A maximum of 3 minutes per person will be allowed.
 - (iv) No other debate is permitted.
 - (v) The temporary Chairperson must put the motion.
- (i) If the motion is lost, the Chairperson's ruling stands, the Chairperson resumes the Chair and the Council Meeting proceeds.
- (j) If the motion is carried, the Chairperson must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and the Council Meeting proceeds accordingly.
- (k) The defeat of the Chairperson's ruling on a Point of Order is in no way a motion of censure or no confidence in the Chairperson, and should not be regarded as such by the Council Meeting.

(67) Suspension of standing orders

- (a) To expedite the business of a Council Meeting, standing orders may be suspended by resolution of Council.
- (b) The purpose of suspension is to enable the formalities of meeting procedure to be temporarily set aside while an issue is discussed.
- (c) The suspension of standing orders should:
 - (i) only be used to dispense with the processes and protocols of these Rules where they are not conducive to the free discussion of a matter before the Council Meeting for consideration; and
 - (ii) not be used to frustrate debate or otherwise limit a Councillor's access to procedural tools under these Rules.
- (d) Motion wording –
“That standing orders be suspended to enable a longer discussion about <xx>”
“That standing orders be suspended to enable a presentation from <xx>”
- (e) Once the action that prompted the suspension of standing orders has taken place the resumption of standing orders will be necessary.
- (f) Motion wording –
“That standing orders be resumed.”
- (g) No business can be transacted by Council while standing orders are suspended.

Part 4 – DELEGATED AND COMMUNITY ASSET COMMITTEES

(68) Delegated Committees

- (a) If Council establishes a Delegated Committee:
 - (i) unless the contrary intention appears, Parts 2 and 3 of these Rules apply to meetings of the Delegated Committee; and
 - (ii) any reference in Parts 2 and 3 of these Rules to:
 - (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - (c) the Mayor or Chairperson is to be read as a reference to the Chairperson of the Delegated Committee.
- (b) Notwithstanding rule (68)(a), if Council establishes a Delegated Committee that is not composed solely of Councillors:
 - (i) Council may; or
 - (ii) the Delegated Committee may, with the approval of Council, resolve that any or all of the provisions of Parts 2 and 3 of these Rules are not to apply to a Delegated Committee Meeting, 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. This will only be done where the alteration does not significantly diminish the overall governance principles.

(69) Community Asset Committees

Unless anything in the Instrument of Sub-Delegation from the CEO to the members of a Community Asset Committee made under section 47(1)(b) of the Act provides otherwise, the conduct of a Community Asset Committee Meeting is at the discretion of the Community Asset Committee.

Part 5 - MISCELLANEOUS

(70) Informal Meetings of Councillors

If there is a meeting that is:

- (a) a meeting of an Advisory Committee, if at least one Councillor is present; or
- (b) a planned or scheduled meeting of at least half the Councillors and one member of Council staff but not a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting which considers matters that are intended or likely to be:
 - (i) the subject of a decision of Council; or
 - (ii) subject to the exercise of a function, duty or power of Council that has been delegated to a person or committee,the CEO must ensure that a summary of the matters discussed at the meeting is:
 - (iii) tabled at the next convenient Scheduled Council Meeting; and
 - (iv) recorded in the Minutes of that Scheduled Council Meeting.
- (c) Meetings to which this rule (70) applies will not be open to the public.

(71) Confidential Information

- (a) Information is Confidential if it meets the definition of Confidential Information under section 3 of the Act.
- (b) If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the CEO is of the opinion that information relating to a Meeting, including at an informal meeting of Councillors under rule (70), is Confidential Information as defined under section 3 of the Act, the CEO will advise Councillors and/or Officers in writing accordingly.
- (c) Notwithstanding 71(b) Councillors and Officers are bound by the section 125(1) not to disclose Confidential Information they know or should reasonably know is Confidential Information.

Part 6 – DEFINITIONS

ITEM	DEFINITION
Absolute Majority	The number of Councillors or members of a Delegated Committee which is greater than half the total number of Councillors or members of a Delegated Committee
Act	the <i>Local Government Act 2020</i>
Advisory Committee	A committee established by Council that provides advice to: <ul style="list-style-type: none"> i. Council; or ii. a Delegated Committee; or iii. a Delegate.
Agenda	A document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting
Chairperson/Chair	The Chairperson of a Meeting and includes an acting, a temporary and a substitute Chairperson
Chief Executive Officer (CEO)	The person who is appointed to be the Chief Executive Officer of Council or, in their absence, their nominated representative.
Committee Meeting	A meeting of a Delegated Committee or Community Asset Committee
Community Asset Committee	A Community Asset Committee established under section 65 of the Act
Community Asset Committee Meeting	A meeting of a Community Asset Committee
Condition Precedent	An event or state of affairs that must occur before another.
Confidential Information	Has the same meaning as in section 3(1) of the Act.
Council	Indigo Shire Council
Council Meeting	Includes a Scheduled Council Meeting and an Additional Council Meeting
Councillor	A person who is an elected member of the Council
Council meeting	An Scheduled or Additional Meeting of Council

Delegate	Any Officer to whom powers, functions and duties have been delegated under the Act
Delegated Committee	A delegated committee established under section 63 of the Act
Delegated Committee Meeting	A meeting of a Delegated Committee
Deputy Mayor	The Councillor elected as Deputy Mayor at the Statutory Meeting
General Business	Business admitted for consideration at a Council Meeting under rule (43)
Late Business	Business admitted for consideration at a Council Meeting under rule (45)
Mayor	The Councillor elected as Mayor at the Statutory Meeting
Meeting	A Scheduled Council Meeting, an Additional Council Meeting, a Delegated Committee Meeting and a Community Asset Committee Meeting, as the context requires
Member	A Councillor or member of a Delegated Committee
Minutes	The records of proceedings of a Meeting.
Municipality	The municipal district of Council
Notice of Motion	A notice setting out the text of a motion which a Councillor proposes to move at a Meeting
Officer	A member of Council staff
Officer Report	A report prepared by an Officer for consideration by Council
Open Forum	A forum during a meeting where members of the public have pre-submitted questions regarding the Agenda are read out and answered by Council.
Petition	A formal written document requesting Council to take action from one or more persons, and signed by one or more persons (whose name and physical address appears on a page of the petition) bearing the wording of the whole of the Petition.
Point of Order	A query as to whether correct procedure is being followed raised in accordance with rule (66)
Procedural Motion	A motion dealing with the conduct of the Meeting as contained in rule (65) and in Attachment 1.

Quorum	At a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or members of the Delegated Committee, as the case requires
these Rules	These Governance Rules
Statutory Meeting	<p>The annual meeting of the Council held for the purpose of –</p> <ul style="list-style-type: none"> • Electing the Mayor (or Deputy Mayor) in according with s25 of the Act and/or • Appointing Councillors on committees • Setting the meeting dates for Scheduled Meetings of Council for the coming year.

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ATTACHMENT 1 – Procedural Motions Table

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (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 the nomination of Chair, or the election of the Mayor/Deputy Mayor	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues	No
Closure of item	That agenda item xx be	Any Councillor who has not moved or seconded	During the nomination of Chair, or the election	Closes the agenda item immediately without	Debate continues	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
	closed	the original motion of spoken for / against the original motion.	of the Mayor/Deputy Mayor.	any further debate or discussion and any current motion lapses. Meeting moves to the next item on the agenda		
Motion / amendment closure	That the current motion / amendment be closed	Any Councillor who has not moved or seconded the original motion of spoken for / against the original motion.	During the nomination of Chair, or the election of the Mayor/Deputy Mayor			
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 nomination of Chair, or the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until the 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

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
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
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided) Eg. To enable a longer discussion about xx To enable a presentation from xx	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

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx	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
Meeting adjournment (subject to rule 47(c), 48(c) and (e), 52(a), and 66(g))	That the meeting be adjourned until <Time> and/or <Date> and/or <Condition Precedent>.	Any Councillor (subject to rule 47(c), 48(c) and (e), 52(a), and 66(g))		Meeting is immediately closed and scheduled for the nominated date	Meeting continues	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Meeting closure	That the meeting be closed.	Any Councillor, subject to relevant Governance Rule		Closes the Council Meeting immediately without any further debate or discussion.	Meeting closes	No

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ATTACHMENT 2 – Election Period Policy

Election Period Policy 2024

Version No:	2
Trim File No:	T2/2 [v6]
Approval Date:	TBC
Approved By:	Council
Department:	People & Governance
Service Plan Area:	Governance
Responsible Officer:	Governance Coordinator
Next Review Date:	August 2028
RelianSys Obligation No:	3358
Circulation	Council Website

DEFINITIONS

The Act	The <i>Local Government Act 2020</i>
Caretaker Period	Has same meaning as Election Period
Election Manager	Means the person appointed in writing by the VEC to conduct the election.
Election Period	The Election Period is defined in the Act and means the period that <ul style="list-style-type: none"> a) starts at the time that nominations close on nomination day (12PM); and b) ends at 6.00 PM on election day.
Electoral Material	means an advertisement, handbill, pamphlet or notice that contains electoral matter , but does not include an advertisement in a newspaper that is only announcing the holding of a meeting;
Electoral Matter	Under Section 3(4) of the Act, 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.
Publications	Publications are defined as advertisements, pamphlets, handbills, press releases, notices, or similar and include electronic information and web based productions.

PURPOSE

The purpose of this policy is to ensure that the 2024 Indigo Shire Council elections are conducted in a manner that is fair and equitable, and is perceived as such by the public. It is intended to assure the community that Council will not use public resources in election campaigning or make major decisions that may bind the incoming Council, while continuing to function on behalf of the community.

SCOPE

This policy applies to all Indigo Shire Council Councillors and staff.

POLICY

The Act requires Council to include an Election Period Policy in its Governance Rules.

Under Section 69 of the Act, an election period policy must prohibit any Council decision during the Election period for a general election that:

- (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.

An Election Period Policy must also prohibit any Council decision during the election period for a general election or by-election that would enable the use of Council resources in a way that is intended to influence, or is likely to influence voting at the election.

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular decision, the Chief Executive Officer may make an application to the Minister for a compliance exemption in accordance with section 177 of the Act.

Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election.

Examples of inappropriate decisions include:

- Allocating community grants or other direct funding to community organisations;
- Major planning scheme amendments;
- Changes to strategic objectives and strategies identified in the Council Plan;
- Adopting policy;
- Setting advocacy positions.

Council will not print, publish or distribute (or cause to be printed, published or distributed) any electoral material (anything containing electoral matter) during an election period.

6.1 Media, communications and marketing

Council communications are an important way to promote Council activities and services and will continue to be used during the election period for the delivery of normal Council services.

- It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However, they must not be used in support of a candidate's election campaign.
- Council media, publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.
- A Council employee must not make any public statement that could be construed as influencing the election.
- Council logos, letterheads, or other branding must not be used for, or linked in any way to a candidate's election campaign.

Council Media Releases

- The CEO, or nominated officer, will be the official spokesperson/s in any council media release.
- Media releases will not refer to specific Councillors during Election Period. Where a spokesperson is required, the Chief Executive Officer or delegate will determine the appropriate person.
- A Councillor or candidate may issue their own media release in their own name and using their own resources (i.e. not using council staff or resources).

6.2 Publications

Council will not print, publish or distribute (or cause to be printed, published or distributed) any electoral material (anything containing electoral matter) during an election period.

6.2.1 Council and Committee Agendas, Minutes and Reports

All Council, Delegated and Community Asset Committee meetings may be suspended at the discretion of the Council (Council or Delegated Committee meetings) or the Chief Executive Officer (Community Asset Committee meetings).

For any Council, Delegated and Community Asset Committee meeting that is convened during the caretaker period, the following decisions are prohibited:

- Prohibited Decision - as described in Section 69(2) and (3) of the Act;
- Significant Decision – an irrevocable decision which significantly affects the municipality; and
- Inappropriate Decision - which would affect the voting in an election.

Open Forum questions submitted to a Council meeting will be reviewed to ensure that they comply with the principles of *The Act* and this policy.

6.2.2 Annual report

Council is required by the Act to produce an Annual report during the election period. Accordingly, the Annual Report 2023/24 will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

6.2.3 Website

Material published on Council's website prior to the caretaker period will be reviewed and any electoral matter will be removed.

References to the election will only relate to the election process. References to Councillors will be restricted to titles, names, and contact details and will not include promotional text (i.e. profiles) or photographs.

6.2.4 Social Media

Councillors will not be profiled on council social media during the caretaker period.

Prior to the election period:

- Council's social media will be reviewed to identify anything that might be construed as electoral matter. Such items will be removed prior to the Election period.
- A statement will be posted on all Council social media sites informing the general public that Council is now in the election period, that restrictions apply to published content, and that comments are disabled during this time (link to website provided).
- Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted. Any inappropriate posts will be removed as soon as practicable.

6.3 Events and functions

Councillors must seek CEO approval to attend events and functions during the election period. No election material or active campaigning is to be conducted at Council sponsored functions or events.

Councillors may continue to make speeches at Council organised or sponsored events and functions during the election period subject to the prior approval by the CEO.

Any speech made by a councillor must not be printed or published.

6.4 Council Resources

It is essential that due propriety is observed in the use of all Council resources. It is also important that all Councillors have access to the resources necessary to fulfil their elected roles. In order to ensure the proper use of Council resources during the election period the following will apply:

- Council resources, including offices, support staff, hospitality, vehicles, equipment, email,

mobile phones and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.

- Council staff are required to exercise appropriate discretion in that regard. 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 relevant Director or the CEO.
- Council staff must not be asked to undertake any tasks connected with a candidate's election campaign.
- Prior to the election period the Chief Executive Officer will ensure that all members of Council staff are advise in regard to the application of the caretaker procedures.
- Council resource usage may be monitored during the caretaker period.

6.4.1 Councillor Expense Reimbursement

Reimbursement of Councillors' out-of-pocket expenses in the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

6.5 Information

6.5.1 Candidate Access to Information

All election candidates have rights to information from the Council administration, subject to the *Privacy and Data Protection Act 2014 (VIC)*. All requests for information, either from a sitting councillor or a candidate, must be directed to the CEO and will be recorded on an Information Request Register. Any advice to be provided to candidates as part of the conduct of the Council election must be provided equally to all candidates.

All election process-related enquiries from candidates, whether sitting Councillors or not, must be directed to the Victorian Electoral Commission (VEC) or the Election Manager.

6.5.2 Councillors Accessing Information

Section 123 of the Act prescribes serious penalties for any councillor who inappropriately makes use of their position or information obtained in the role of councillor, to gain an advantage. Sitting Councillors will continue to receive information that is necessary to fulfil their elected roles.

Councillors shall not request or receive information or advice from Council staff to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

6.5.3 Public Consultation

Council will avoid public consultations during the Election Period and will not undertake public consultation on a contentious topic which is subject to election matter.

Where a public consultation is deemed necessary and approved by the Chief Executive Officer, the results of such consultation will not be reported to Council until after the

election.

Public consultation includes but is not limited to:

- (a) Community forums
- (b) Focus groups
- (c) Postal or electronic surveys
- (d) Web polls
- (e) Social media forums

This Rule does not apply to public consultation required under the Planning and Environment Act 1987.

RELATED POLICIES AND DIRECTIVES

- Councillor Code of Conduct
- Employee Code of Conduct & Ethical Behaviour Handbook
- Governance Rules

RELATED LEGISLATION AND OTHER DOCUMENTS

- The *Local Government Act 2020*
- The *Victorian Charter of Human Rights and Responsibilities Act 2006*

REVIEW

The policy should be reviewed at least every four years from date of adoption.

The policy will be reviewed in line with Council's Community Engagement Policy.

Trigger points that require an earlier review period of the policy or associated document/s include (but are not limited to):

- change in legislation which has a bearing on the document
- change in senior management
- change in Council's position on a particular subject area
- recommendation from a governance body (eg Audit and Risk Committee recommendation, Internal or External Audit Recommendation, integrity agency)

- quality assurance due to continuous improvement initiatives, and/or
- changes in Council’s agreed service levels.

DISCLAIMER

While this policy is intended to guide Council staff and Councillors, it is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Act, 2020* in relation to the election period.

COMMUNICATION

- Discussion at Staff Meeting or specific training session for all staff.
- Internal Council communication channels
- Email to Councillors
- Policy to be placed on the Indigo Shire Council Website

VERSION CONTROL

Date	Review Details	Action
22 March 2024	<ul style="list-style-type: none"> • Added definitions • Removed CEO certification references • Removed caretaker statement requirements on Council/CAC reports for meetings • Add more content to public consultations section • Updated to current policy template • Formatting changes 	Presented to EMT 8 April 2024 and 6 May 2024 Presented to Council Meeting 25 June 2024