



Governance Rules

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1. Purpose

- (1) Pursuant to section 60 of the *Local Government Act 2020*, the Council is required to develop, adopt, and keep in force Governance Rules for or with respect to the following:
 - (a) The conduct of Council Meetings.
 - (b) The conduct of Meetings of Delegated Committees.
 - (c) The form and availability of Meeting records.
 - (d) The election of the Mayor and the Deputy Mayor.
 - (e) The appointment of an Acting Mayor.
 - (f) An election period policy in accordance with section 69.
 - (g) The procedures for the disclosure of a Conflict of Interest by a Councillor or member of a Delegated Committee under section 130.
 - (h) The procedures for a Conflict of Interest by a Councillor under section 131.
 - (i) The disclosure of a Conflict of Interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1).
 - (j) Any other matter prescribed by regulation.
- (2) Any obligation, action or decision granted or made under these Governance Rules must be exercised in a way that:
 - (a) Applies the principles of good administration whereby the Council and its officers consider all matters fairly and on the merits; and
 - (b) Institutes decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.
- (3) A Council may amend its Governance Rules at any time via a resolution of the Council.
- (4) A Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.

2. Definitions

In these Governance Rules—

WORD	MEANING
Act	Means the <i>Local Government Act 2020</i>
Agreement of Council	Means agreement by a majority of Councillors
Business Day	Means any day when normal business operations are conducted, generally considered to be from 9.00 am to 5.00 pm local time from Monday to Friday excluding weekends and public holidays
Chairperson	Means the Mayor, or if the Mayor is not available, the Deputy Mayor or if the Deputy Mayor is not available the Councillor elected by Council to sit as Chair
Chief Executive Officer	Means the person who is the Chief Executive Officer of the Council or any person acting in that position
Conflict of Interest	Means a conflict of interest under Division 2, Part 6 of the Act
Council	Means the Mornington Peninsula Shire Council
Councillor	Means a person who holds the office of member of the Council
Governance Rules	Means these Governance Rules
Delegated Committee	Means under the Act: (a) a delegated committee established by a Council under section 63; or (b) a joint delegated committee established by 2 or more Councils under section 64; or (c) a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act.
Delegated Committee Chairperson	Means the chairperson elected by the Delegated Committee
Mayor	Means the Mayor of the Council and any Councillor acting as Mayor
Meeting	Means a Council meeting that complies with section 61(1)
Officer	Means an employee of the Council
Urgent Business	Means business that complies with rule 9.

3. Notice of Meetings

- (1) At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee meetings for the following calendar year. Council will ensure that details of its Meetings are made available to the public.
- (2) Council by resolution, or the Mayor following consultation with the Councillors, may change the date, time and place of, or cancel any Meeting which has been fixed and must provide notice of the change to the public.
- (3) In case of an emergency, the Chief Executive Officer may postpone a Council Meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- (4) An unscheduled Meeting may be called, by a resolution of the Council; or by written notice of the Mayor or three Councillors.
- (5) The Mayor, following consultation with the Councillors and the Chief Executive Officer, may call an unscheduled Meeting.
- (6) A resolution, or written notice to call an unscheduled Meeting must:
 - (a) Specify the business to be transacted; and
 - (b) Specify a date for the holding of an unscheduled Meeting that is no earlier than three Business Days after the date of the resolution or written notice; and
 - (c) Be lodged with the Chief Executive Officer, and within 24 hours, be advertised to the public on the Council's website.
- (7) Only the business specified in the Council resolution, or written notice may be considered at an unscheduled Meeting.
- (8) An agenda for an unscheduled Meeting must be made available to every Councillor at least 48 hours before the Meeting and an agenda made available to the public at least 24 hours before the Meeting.
- (9) A notice of Meeting incorporating an agenda of the business to be transacted and any minutes of a previous Meeting must be received by Councillors from the Chief Executive Officer at least 2 Business Days before the Meeting.

4. Apologies and Leave of Absence

- (1) Councillors and members of a Delegated Committee who are unable to attend a Meeting may submit an apology in writing to the Chairperson or Chief Executive Officer who will advise the Meeting.
- (2) A Councillor may apply for a leave of absence by written notification to the Mayor.
- (3) A leave of absence not included in the Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.

5. Council Agendas

- (1) Councillors will be provided with an electronic agenda at least 5 Business Days before the Meeting. An addendum agenda may be provided to Councillors with no less than 1 Business Days' notice. A Councillor may request hard copies of the agenda or addendum agenda.
- (2) The Meeting agenda (minus any confidential papers) will be displayed on Council's website at least three Business Days before the Meeting and updated with any addendum agenda.
- (3) Content, format, presentation and order of items on Council Meeting agendas will generally include, but not be limited to:
 - (a) Open and Welcome;
 - (b) Acknowledgement of Traditional Land Owners/Acknowledgement of Country;
 - (c) Apologies;
 - (d) Confirmation of Minutes;
 - (e) Disclosure of Conflicts of Interest;
 - (f) Presentations;
 - (g) Petitions and Joint Letters;
 - (h) Notes from Councillor briefings;
 - (i) Public Question Time and Public Forum;
 - (j) Management Reports;
 - (k) Notices of Motion;
 - (l) Councillors' and Delegates' Reports;
 - (m) Urgent Business;
 - (n) Confidential Items; and
 - (o) Close.

6. Quorum

- (1) The quorum for a Meeting is a majority of Councillors.
- (2) A Meeting cannot commence, resume or continue without a quorum.
- (3) If a quorum is not present within 30 minutes after the advertised time of commencement specified in the notice of Meeting, the majority of Councillors present may adjourn the Meeting to a date to be determined.

7. Attendance of Councillors Remotely

- (1) If a Councillor is unable to attend a Meeting in person, but still wishes to participate in the Meeting, the Councillor may apply to the Chair at least five Business Days prior to the Meeting or as soon as practical once the need arises.
- (2) The Chair has discretion as to whether to allow a Councillor to participate in the Meeting remotely. Such discretion should be applied if there are extenuating circumstances which prevent the Councillor from appearing in person.
- (3) In order to participate, the Councillor must be able to see and hear the other Councillors and they must be able to see and hear the Councillor attending remotely.
- (4) If a Councillor attends remotely, the Councillor must maintain confidentiality by ensuring no other person can hear their conversation while in the confidential part of any Meeting.
- (5) This Rule does not apply where all Councillors are required to attend remotely under the provisions of the Act or Directions from the State.

8. Business at Meetings

- (1) No business can be dealt with at a Meeting unless:
 - (a) It is included on the agenda or provided as an addendum to the agenda by the Chief Executive Officer; or
 - (b) Councillors vote in favour of a matter being dealt with as Urgent Business.
- (2) Unless the Chairperson or the Meeting by resolution otherwise determines, the order of business at a Meeting must be as it is set out on the agenda.

9. Urgent Business

- (1) Business cannot be admitted as Urgent Business other than by resolution of the Council provided that:
 - (a) It relates to, or arises out of a matter which has arisen since distribution of the Agenda; and
 - (b) Because of the urgency cannot be reasonably listed on the agenda of the next Meeting.
- (2) In determining whether business should be admitted as Urgent Business, Council should consider if it:
 - (a) Substantially affects the levels of Council service;
 - (b) Commits Council to significant expenditure not included in the adopted budget;
 - (c) Establishes or amends Council Policy; or

- (d) Commits Council to any contractual arrangement.
- (3) A Councillor proposing a matter be admitted as Urgent Business must lodge it in writing with the Chief Executive Officer and the Mayor as soon as practicable.

10. Meetings Open to the Public

- (1) Council is committed to transparency in decision making and in accordance with the Act will ensure that Council and Delegated Committee Meetings are open to the public and the community are able to attend unless sub-rule (2) applies. All Meetings will be live streamed to the public unless the Meeting is closed to consider confidential information.
- (2) Meetings will only be closed to members of the public if, and in accordance with the Act:
 - (a) The Meeting is to consider confidential information under the Act;
 - (b) The Meeting is required to be closed for security reasons; or
 - (c) It is necessary to enable the Meeting to proceed in an orderly manner.
- (3) Where Meetings are closed to the public for security reasons or where it is necessary to do so to enable the Meeting to proceed in an orderly manner, the proceedings will be livestreamed on Council's website.

11. Conclusion of Meetings

- (1) A Meeting shall conclude when all the business set out on the agenda has been dealt with or not later than 10.00 pm.
- (2) A Meeting may be extended once by resolution of the Meeting until 10.30pm.
- (3) The Meeting may be adjourned to another date if all business set out on the agenda has not been dealt with.
- (4) The Chairperson may adjourn a Meeting for a short break at the Chairperson's discretion.

12. Keeping of Minutes

- (1) The Chief Executive Officer is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:
 - (a) the date, place, time and nature of the Council Meeting;
 - (b) the names of attending Councillors, any absent Councillors who have provided an apology, or been granted leave of absence by Council.;
 - (c) the disclosure of any Conflict of Interest made by a Councillor in accordance with these Governance Rules;
 - (d) the arrival and departure of Councillors, during the course of the Meeting (including any temporary departure or arrival);

- (e) every Motion and Amendment moved (including procedural Motions),
- (f) the outcome of every Motion moved;
- (g) where a division is called, the names of every Councillor and the way their vote was cast;
- (h) when requested by a Councillor, a record of their support for, or opposition to, a Motion;
- (i) details of any failure to achieve or maintain a quorum;
- (j) a summary of any question asked, and the response provided as part of public question time;
- (k) details of any petitions made to Council;
- (l) the time and reason for any adjournment of the Meeting or suspension of standing orders;
- (m) any other matter, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
- (n) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

13. Confirmation of the Minutes of a Meeting

- (1) When confirming the minutes of a Meeting, the Chairperson must ask if any item in the minutes is opposed.
- (2) Opposition can only be expressed regarding items in the minutes on the basis that the record is incomplete or inaccurate.
- (3) If any Councillor indicates opposition, they must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
- (4) The Chairperson must not allow discussion or motions on any other issue than the alleged omission from or inaccuracy of the minutes.
- (5) If no Councillor indicates opposition, the Chairperson must seek a motion to confirm the minutes.
- (6) The Minutes as recorded by the Chief Executive Officer or delegate will be made available as the unconfirmed minutes:
 - (a) To Councillors within 5 Business Days;
 - (b) To members of the public, by displaying on the Council's website, within 7 Business Days after the Meeting.

14. Management Reports

- (1) A management report which is listed as an item on the agenda for a Meeting is to identify and discuss all reasonable options and where possible rely on one recommendation for consideration by Council.
- (2) Officers shall first speak to the report and answer questions from Councillors at the discretion of the Chairperson.

15. Advice Provided to Individual Councillors

- (1) Any advice or guidance provided by an Officer to a Councillor regarding:
 - (a) Meetings procedure or practice;
 - (b) The operation of these Governance Rules;
 - (c) The application of the Act to Meetings; or
 - (d) A suggested motion and any supporting arguments —shall be provided to all other Councillors by the Officer at or about the same time.

16. The Chairperson's Duties and Discretions

- (1) In addition to the other duties and discretions as provided in these Governance Rules, the Chairperson:
 - (a) must not accept any motion which is:
 - i. vague or ambiguous; or
 - ii. outside the powers of Council.
 - (b) must not accept any motion, question or statement which is:
 - i. defamatory, malicious, abusive or objectionable in language or in substance; or
 - ii. outside the powers of Council.
 - (c) may allow the Chief Executive Officer the opportunity to correct factual errors that arise during the Meeting, through the Chairperson.
 - (d) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council.
 - (e) may direct that a vote be recounted to be satisfied of the result.
 - (f) must decide on all points of order.

17. Chief Executive Officer

- (1) By directing comments through the Chairperson, the Chief Executive Officer may

provide support to the Chairperson.

- (2) The Chief Executive Officer should:
 - (a) immediately advise the Chairperson to the best of their knowledge, if a proposed resolution or action is contrary to law;
 - (b) advise the Chairperson if there are operational, financial or risk implications arising from a proposed resolution;
 - (c) advise the Chairperson of any need to clarify the intent of any unclear motion to facilitate implementation; or
 - (d) on request, assist with any procedural issues that may arise.
- (3) The Chief Executive Officer, following consultation with the Mayor, may designate any Council information as confidential information, if the Chief Executive Officer considers that information to be prejudicial to the Council or any person if publicly disclosed.

18. Form of Motions and Amendments

- (1) A motion or amendment which is proposed by a Councillor at a Meeting must be:
 - (a) clearly expressed and unambiguous;
 - (b) not defamatory or objectionable in nature;
 - (c) related to the powers or functions of Council; and
 - (d) relevant to an item on the agenda (unless it relates to an item which has been agreed by the Meeting as Urgent Business).
- (2) Any motion or amendment which differs in wording from a recommendation or notice of motion which is on the agenda, unless otherwise agreed to at a Councillor briefing, should be circulated by the proposer in writing to all other Councillors in advance of the Meeting where possible.
- (3) Any motion or amendment which does not conform to sub-rule (1) must be rejected by the Chairperson.

19. Procedures for Motions and Amendments

- (1) All motions, except procedural motions, must where possible be submitted in writing.
- (2) A Councillor who is proposing a motion or amendment may first briefly state the nature of the motion or amendment and then move it without speaking to it.
- (3) The Chairperson must then call for the motion or amendment to be seconded.
- (4) The Chairperson cannot move or second a motion or amendment.
- (5) Any motion or amendment that is not seconded lapses.

- (6) If there is a seconder, then the Chairperson must call on the mover to speak to the motion or amendment.
- (7) After the mover has spoken to the motion or amendment, the seconder may also speak to the motion or amendment or reserve the right to speak until later in the debate.
- (8) After the mover has spoken and seconder has spoken, or has reserved the right to speak, the Chairperson must call on any Councillor who wishes to speak against the motion or amendment, then on any Councillor who wishes to speak for the motion or amendment, until all Councillors, including the seconder, wishing to speak to the motion or amendment have spoken.
- (9) If no Councillor wishes to speak against the motion, then the Chairperson may put the motion or amendment or call on any other Councillor to speak.
- (10) The Chairperson may speak on any matter under discussion but must be mindful of their position as an impartial Chairperson of the Meeting.
- (11) Despite an amendment to a motion being carried, the mover maintains the right of reply with respect to the debate on the motion immediately before the vote is taken, subject to no new material being introduced.
- (12) The mover of an amendment has no right of reply.
- (13) Apart from the mover's right of reply, a Councillor may only speak once on the motion and once on any amendment of a motion, or any further amendment in accordance with sub rule (15).
- (14) Any Councillor, excluding the mover or seconder of:
 - (a) a motion, may move or second any amendment; or
 - (b) an amendment, may move or second any further amendment, unless sub rule (15) applies.
- (15) Any Councillor may request the leave of Council to move a second or further amendment.
 - (a) A request for leave may be made by the Councillor to the Chair.
 - (b) A request for leave is a procedural motion.
 - (c) If carried, a Councillor will be allowed to move or second an additional amendment, notwithstanding they may have moved or seconded a previous amendment.
 - (d) If lost, the Councillor will not be able to seek further leave of the Council to introduce any further amendments to that item.
- (16) When any amendment is put to the vote and is declared carried by the Chairperson it becomes the motion and can be further amended.
- (17) Only one amendment can be before the Meeting at a time and until it is put to the

vote no further amendment can be proposed.

- (18) At any time during debate a Councillor may foreshadow a motion or an amendment to inform the Meeting of their intention to move a motion or an amendment later in the Meeting but this does not extend any special right to the foreshadowed motion or amendment.
- (19) When the mover of a motion has exercised their right of reply under sub-rule (11) the Chairperson must then put the motion to the vote without making or allowing any further comment on it.
- (20) All debate must be relevant to the motion or amendment before the Meeting, otherwise the Chairperson must request the speaker to confine the debate to the motion or amendment.
- (21) A motion or amendment must be put to the vote when the Chairperson believes that the issues have been reasonably canvassed in the debate.
- (22) A Councillor calling a point of order, seeking leave, or foreshadowing a new motion or further amendment is not deemed to be speaking on the motion or amendment before the Meeting.
- (23) Once a motion or amendment is seconded it cannot be withdrawn or altered except with the Agreement of Council.
- (24) Despite any other provisions of these Governance Rules, before putting a motion or amendment to the vote the Chairperson may have the text of the motion or amendment read to the Meeting.
- (25) Procedures for motions and amendments are summarised in a flow chart in rule 47.

20. Separation and Withdrawal of motions

- (1) A Councillor may request at any time, before a vote is taken on a motion or amendment that is in two or more parts, that each part be put to the vote separately. The Chairperson may allow or refuse such a request.
- (2) Before any motion is put to the vote, it may be withdrawn with the Agreement of Council, except for a Councillor Notice of Motion, which can only be withdrawn by the submitting Councillor.

21. Notices of Motion

- (1) A Councillor may submit to the Chief Executive Officer a Notice of Motion for inclusion in the agenda for a Meeting. A maximum of three Notices of Motion can be submitted per Councillor per Council Meeting.
- (2) A Notice of Motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer no later than 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- (3) A Notice of Motion must relate to the role of Council as outlined in the Act.

- (4) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
 - (a) commits Council to any contractual arrangement;
 - (b) concerns any litigation in respect of which Council is a party;
 - (c) results in a material and negative impact to the level of Council service;
 - (d) commits Council to a cost greater than \$10,000 (consideration of cost shall include the opportunity cost of wages, and any costs not included in the adopted Council Budget); or
 - (e) contradicts an existing Council policy or resolution or is deemed to be taking a significant policy position.
- (5) The Chief Executive Officer must reject any Notice of Motion which:
 - (a) may be prejudicial to any person or Council;
 - (b) is outside the powers of Council;
 - (c) is submitted during an Election Period; or
 - (d) is defamatory, discriminatory, or offensive.
- (6) The Chief Executive Officer may reject a proposed Notice of Motion that:
 - (a) relates to the day-to-day management of Council by the Chief Executive Officer; or
 - (b) relates to a matter that has already been acted upon.
- (7) If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than 9 business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Notice of Motion within 24 hours.
- (8) The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- (9) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the legal, policy, financial and resourcing implications if the Notice of Motion is passed.
- (10) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (11) Each Notice of Motion must be considered and listed in the order in which they were received.
- (12) The Motion moved must not be substantially different to the Notice of Motion published in the Agenda, however, may be amended by resolution of the Council.

- (13) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- (14) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.
- (15) If a Notice of Motion is lost, a similar Notice of Motion may not be put before the Council for at least 3 months from the date it was lost, unless Council resolves that the Notice of Motion be re-listed at a future Meeting.

22. Revocation and Amendment

- (1) Motions to revoke or amend a resolution can be made in the following ways:
 - (a) By Notice of Motion signed by at least two Councillors, including one Councillor who previously supported the resolution and lodged with the Chief Executive Officer; or
 - (b) By recommendation contained in an Officer's report included on the agenda.
- (2) A Notice of Motion under sub rule (1) should be forwarded to all Councillors by the submitting Councillor as soon as practicable.
- (3) To facilitate the lodgement of a notice of motion by a Councillor under sub-rule (1), the Chief Executive Officer shall not implement a Council resolution for at least 1 Business Day following the making of the resolution unless the resolution specifically directs the Chief Executive Officer to implement the resolution immediately.
- (4) Any motion that proposes the revocation or amendment of a resolution of the Council must be included on the agenda of the Meeting at which it is to be considered and cannot be proposed as an item of Urgent Business.
- (5) A revocation or amendment of a resolution must be passed by a majority of Councillors entitled to be present and vote at the Meeting at which such business is transacted.
- (6) A motion to revoke or amend a resolution listed on a Meeting agenda may be moved by any Councillor present at the Meeting but cannot be amended.
- (7) A resolution can only be revoked or amended if it has not been acted upon.
- (8) A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has been commenced.
- (9) A resolution that is the subject of a revocation or amendment motion cannot be acted upon prior to determination of the motion.
- (10) If a notice of revocation is lost, a similar motion may not be put before the Council for at least 3 months from the date it was lost, unless Council resolves that the notice of revocation be re-listed at a future meeting.

23. Procedural Motions

- (1) This rule outlines the types of procedural motions permitted under these Governance Rules:

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

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted.	The meeting continues unaffected.	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed.	The meeting cannot continue.	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	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
Leave to Move a Further Amendment	'That Councillor xx be granted leave to move a further amendment'	Any Councillor	If a leave request has been lost	The Councillor may move and any Councillor may second a further amendment.	The amendment is not put to the Council.	No

- (2) A procedural motion must be dealt with immediately by the Chairperson.
- (3) Procedural motions must be moved and seconded.
- (4) A procedural motion may not be moved by the Chairperson.

24. Points of Order

- (1) A Councillor may raise a point of order by stating briefly the matter which is the subject of the point of order and if related to these Governance Rules by stating the relevant rule or rules.

- (2) A Councillor may raise a point of order by drawing the Chairperson's attention to an act of disorder or to a Councillor allegedly being out of order.
- (3) A point of order may be taken on the ground that the matter is:
 - (a) Contrary to these Governance Rules;
 - (b) Defamatory;
 - (c) Irrelevant;
 - (d) Outside Council's power;
 - (e) Under judicial consideration;
 - (f) Not clearly understood and requires the Chairperson's clarification; or
 - (g) Improper, offensive, obscene, ambiguous or obscure.
- (4) Expressing a difference of opinion or contradicting a speaker will not be treated as a point of order.
- (5) When a point of order is called the Councillor speaking at the time must stop, unless asked by the Chairperson for an explanation, until the Chairperson rules upon it.
- (6) The Chairperson may adjourn the Meeting to consider a point of order that has been taken and must rule upon it as soon as possible and before the business of the Meeting proceeds further.
- (7) The Chairperson must when ruling upon a point of order state the provision of these Governance Rules or other legislation, rule, custom or practice upon which their ruling is based.

25. Time Limits for Debate

A Councillor must not speak on any one motion or amendment or other matter before a Meeting for a time longer than that stated below:

- (a) The mover of a motion or an amendment — 5 minutes;
- (b) Any other Councillor — 3 minutes;
- (c) The mover of a motion exercising a right of reply — 3 minutes; and
- (d) One extension of speaking time may be granted by the Chairperson but must not exceed 2 minutes.

26. Mode of Address

- (1) A Councillor, Officer or any other person who addresses a Meeting must do so in a courteous manner.

- (2) When addressing the Chairperson, Councillors or any other person should refer to the Chairperson as:
 - (a) Mayor (as applicable); or
 - (b) Chair.
- (3) All Councillors, other than the Mayor, should be addressed as Councillor (name).
- (4) All Officers should be addressed as Mrs, Miss, Ms or Mr _____(name) as appropriate or by their official title.

27. Miscellaneous Rules of Debate

- (1) In cases where there is competition for the right to speak at a Meeting the Chairperson will decide the order in which Councillors may speak.
- (2) If during debate the Meeting is adjourned by motion then the Meeting will be resumed at the point it was interrupted.
- (3) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.

28. Voting

- (1) Voting must be by show of hands, so that voting can be seen by those in attendance and those watching the livestream to clearly see how a vote is taken.
- (2) Where a Councillor fails to vote, their vote will be cast in the negative. A Councillor who is present at a Meeting cannot abstain from voting which is otherwise compulsory.
- (3) If the Chairperson decides to cast a second vote because the number of votes in favour of the motion or amendment is half the number of Councillors present at the Meeting at the time the vote is taken, the reasons for voting for or against the motion or amendment must be stated and recorded in the minutes.

29. Divisions

- (1) A division may be requested by any Councillor on any vote.
- (2) The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken but cannot be made after the Meeting has moved to the next item of business.
- (3) When a division is called the Chairperson must —
 - (a) ask Councillors voting in the affirmative to stand and announce the names of those Councillors; and
 - (b) ask Councillors voting in the negative to stand and announce the names of those Councillors; and
 - (c) announce the result of the vote.

- (4) The names of Councillors voting in the affirmative and in the negative must be recorded in the minutes of the Meeting.
- (5) Where a division is requested after the original vote has been taken, the motion is decided on the vote undertaken pursuant to the division.

30. Recording of Support or Opposition to a Resolution

- (1) A Councillor may ask that their support for or opposition to a resolution adopted by a Meeting be recorded in the minutes of the Meeting.

31. Chairperson's Ruling

- (1) Where these Governance Rules do not provide guidance on a matter before a Meeting, the Chairperson shall decide the procedure to be followed unless a Motion of Dissent is carried in which case the procedure to be followed will be decided by the Meeting.
- (2) When deciding the procedure to be followed the Chairperson must observe the requirements to be open, fair and transparent as stated in rule 1 of these Governance Rules.

32. Conduct at Meetings

- (1) The Chairperson, Councillors and members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:
 - (a) decision making is transparent to members and observers;
 - (b) meeting members have sufficient information to make good decisions;
 - (c) every member is supported to contribute to decisions;
 - (d) any person whose rights are affected is given an opportunity to have their interests considered;
 - (e) debate and discussion are focussed on the issues at hand;
 - (f) meetings are conducted in an orderly manner; and
 - (g) decisions are made on the merits of the matter.
- (2) A Councillor must not at a Meeting make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- (3) If such a statement or comment is made the Chairperson may require the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- (4) Members of the public at a Meeting must not interject or take part in the debate or otherwise engage in disorderly or improper conduct.
- (5) If any member of the public is called to order by the Chairperson for any improper or disorderly conduct on more than one occasion during the Meeting, then the Chairperson may order them to leave the Meeting room or building.

- (6) The Chairperson may adjourn a disorderly Meeting.

33. Suspension of Standing Orders

- (1) Any provision of these Governance Rules, except that relating to a quorum, may by resolution be suspended for any part of the Meeting.
- (2) No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.

34. Public Question Time

- (1) Public question time allows members of the public to submit their questions to the Chief Executive Officer prior to the Council Meeting.
- (2) The public questions will be answered by the Chief Executive Officer, but no debate will be entered into.
- (3) Policies and procedures which allow for public questions to be asked at a Council Meeting will be available on Council's website.

35. Public Forum

- (1) The Council will from time to time hold Public Forum for up to 30 minutes at the beginning of each scheduled Meeting to allow public submissions to Council.
- (2) Public Forum is an opportunity for the public to present to Council on a matter listed on the Agenda or any other matter.
- (3) Members of the public who wish to be heard at Public Forum are encouraged to give prior notice to the Council:
 - (a) In writing, or
 - (b) By online request on Council's website.

Any submissions should contain the name, address and contact details of the submitter, along with a short precis of the matter.

- (4) Any group or association that wishes to be heard at Public Forum is encouraged to nominate a spokesperson.
- (5) When addressing the Meeting, the member of public must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson.
- (6) The Chairperson will allocate up to three minutes to each person who wishes to address the Council.
- (7) The Chairperson will give precedence to those who have given prior notice.
- (8) There will be no discussion or debate with the member of the public however the Councillors may ask questions of clarification.

- (9) Response to a submission may be provided immediately as part of the Open Forum or referred to a relevant officer for investigation and response if required within 10 business days of the Meeting.

36. Public Participation at Delegated Committee Meetings

- (1) Persons may make verbal submission on matters before the Planning Services Delegated Committee of Council, or at a Meeting of Council in which a Planning Services agenda item is being considered.
- (2) Where a person wishes to make a submission, they must notify the Council at least 1 Business Day before the Meeting of their intention to make a verbal submission and the nature of the submission.
- (3) The speaking time limit for persons making verbal submissions shall be 3 minutes.
- (4) A further 2 minute speaking time may be granted at the discretion of the Chairperson.

37. Delegated Committees

- (1) Where Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications and having regard to any terms of reference applying to the Delegated Committee.
- (2) For sub- rule (1):
 - (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) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.
- (4) A Delegated Committee must report the Minutes of all Delegated Committees to the next practicable Delegated Committee Meeting.
- (5) A Delegated Committee must act in accordance with its instrument of delegation and any terms of reference adopted by Council.

38. Community Asset Committees

- (1) The Governance Rules may apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee which rules of the Governance Rules apply.
- (3) A Community Asset Committee must report the Minutes of all Committee Meetings to the next practicable Council Meeting.

- (4) A Community Asset Committee must act in accordance with its adopted Charter, instrument of delegation and any terms of reference adopted by Council.

39. Election Period Policy

- (1) These Governance Rules include the Election Period Policy adopted by Council pursuant to section 69 of the Act. At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.
- (2) The Council's Election Period Policy is included at Appendix 1.

40. Conflict of Interest

- (1) Councillors, members of Delegated Committees and Council staff are required to identify and disclose all Conflicts of Interest.

41. Councillors and Members of Delegated Committees

- (1) Councillors and Members of Delegated Committees may not participate in any discussions or decision-making on a matter in which they have a Conflict of Interest.
- (2) When disclosing a Conflict of Interest, Councillors must comply with these Governance Rules.
- (3) All disclosures of Conflicts of Interest will be recorded in the Minutes of a Meeting of Council or a Delegated Committee or otherwise recorded in accordance with these Governance Rules.
- (4) Council will maintain a Conflict of Interest register which will be made available on Council's website.

42. Procedure at a Meeting of Council or a Delegated Committee Meeting

- (1) At the time indicated in the Agenda, a Councillor or a Member of a Delegated Committee with a Conflict of Interest in an item on that Agenda must indicate they have a Conflict of Interest by clearly stating to the Meeting:
 - (a) the item for which they have a Conflict of Interest;
 - (b) whether their Conflict of Interest is general or material; and
 - (c) the circumstances that give rise to the Conflict of Interest.
- (2) Immediately prior to the consideration of the item in which they have a Conflict of Interest, a Councillor or Member of a Delegated Committee must indicate to the Chairperson the existence of the Conflict of Interest and leave the Meeting.
- (3) A Councillor or a Member of a Delegated Committee who is not present at the designated time in the Agenda for disclosures of Conflicts of Interest, must disclose their Conflict of Interest in the manner that required for the declarations of Conflicts of Interest under these Governance Rules prior to leaving the Meeting.

- (4) A Councillor or Member of a Delegated Committee who discloses a Conflict of Interest and leaves a Meeting must not communicate with any participants in the Meeting while the decision is being made.

43. Procedure at Briefings or other Meetings Organised, Hosted or Supported by Council

- (1) A Councillor who has a Conflict of Interest must not participate in any discussion of matters that will be decided by Council, either by resolution or under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a Conflict of Interest must disclose the existence of the conflict and the matter in which the conflict arises.
- (3) The Councillor must disclose their Conflict of Interest in the manner required by rule 42(1).
- (4) If there is no Agenda, a Councillor with a Conflict of Interest must disclose the existence of the conflict as soon the matter arises.
- (5) At the time for discussion of that item, the Councillor must leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (6) The disclosure of a Conflict of Interest will be recorded in the minutes of the meeting if minutes are being kept.
- (7) If there are no minutes kept of the meeting, the Councillor should advise the Governance unit of their disclosure of a Conflict of Interest for recording in the Conflicts of Interest Register.
- (8) The meeting minutes or record should also record the duration of the discussion and whether the Councillor left the meeting.

44. Council Staff

- (1) Council staff:
 - (a) Must act in accordance with the Employee Code of Conduct and any other policy which addresses Conflicts of Interest;
 - (b) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.

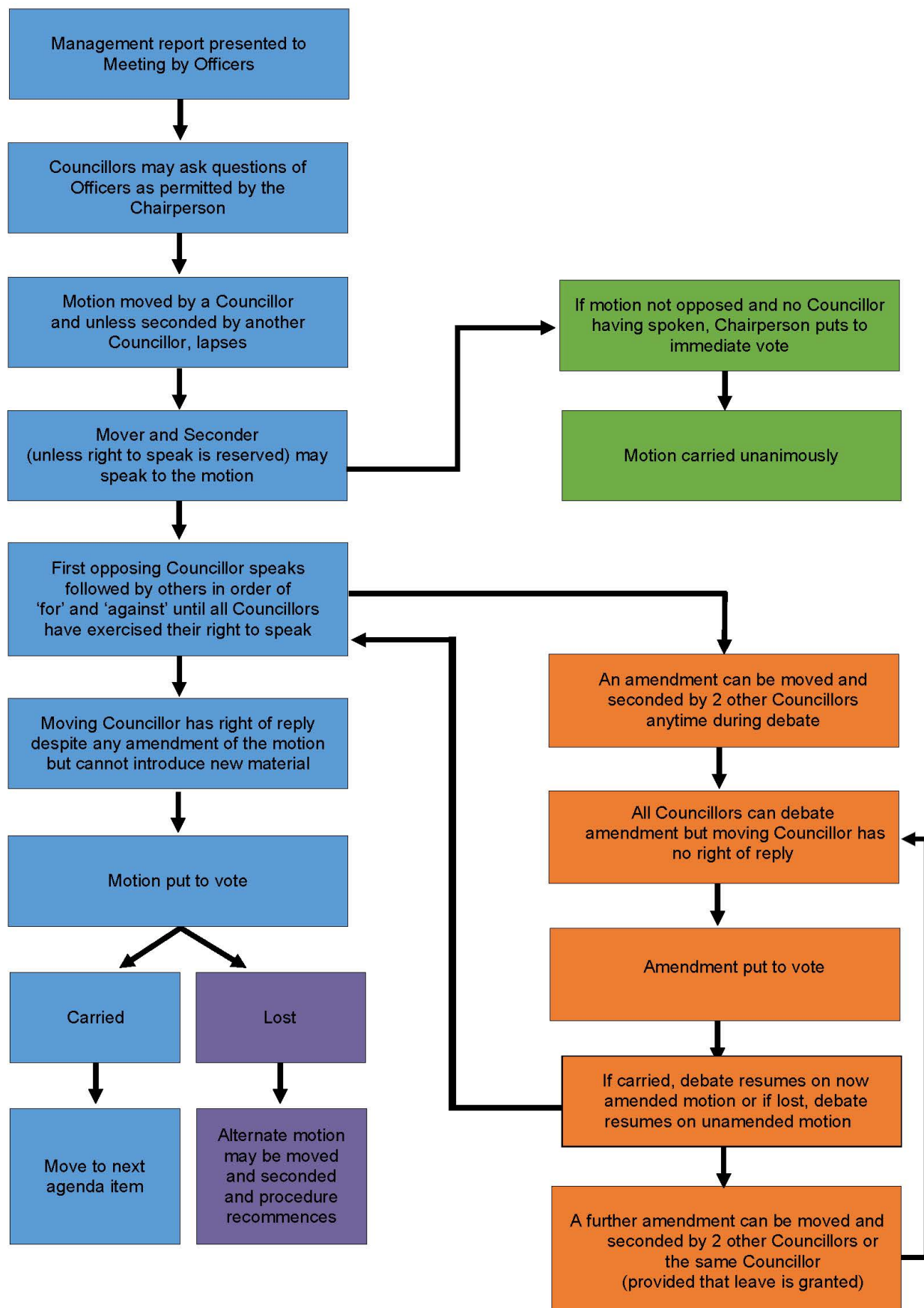
45. Procedure for Disclosures of Conflicts of Interest by Council Staff

- (1) Council staff must disclose the existence of all Conflicts of Interest in writing and in the form determined by the Chief Executive Officer and any other policy which addresses Conflicts of Interest.
- (2) All Conflicts of Interest disclosed by Council staff will be provided to the Governance and Legal unit in accordance with any adopted policy for recording in the register of Conflicts of Interest.

46. Joint Council Meetings

- (1) Council may resolve to participate in a Joint Council Meeting to consider:
 - (a) Collaborative projects;
 - (b) Collaborative procurement; or
 - (c) Emergency response.
- (2) If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer will agree on Governance Rules with the participating councils.
- (3) Where Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will Chair the Joint Council Meeting
- (4) A majority of Councillors will be appointed to represent Council at a Joint Council Meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with sub-ule (5) may be held electronically.

47. Procedures for Motions and Amendments



48. Procedure for the Election of Mayor

- (1) A meeting to elect the Mayor must be held:
 - (a) As soon as practicable after the declaration of the results of a general election of Councillors and between the fourth Saturday in October and no later than 30 November;
 - (b) As soon as practicable after the fourth Saturday in October and no later than 30 November, in years between general elections of Councillors; or
 - (c) Within one month after the office of Mayor otherwise becomes vacant.
- (2) The Chief Executive Officer must determine the most appropriate time and date for the election of Mayor having regard to the requirements in rule 48(1).
- (3) At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (4) The term of a Deputy Mayor is identical to the term of Mayor as resolved by the Council.

General Procedures

- (5) The Chief Executive Officer will be the temporary Chairperson of the meeting for the election of the Mayor.
- (6) The election of the Mayor must be carried out by a show of hands and all Councillors must vote.
- (7) The Chief Executive Officer will invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- (8) A Councillor may nominate another Councillor or themselves as a candidate
- (9) Nominations for the election of Mayor do not require seconding. Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor.
- (10) The order of voting for candidates will take place alphabetically based on their last name.

Election Process

- (11) If only one candidate is nominated, the candidate must be declared elected as Mayor.
- (12) If more than one candidate is nominated, Councillors must vote for their preferred candidate.
- (13) Where two candidates have been nominated, the candidate with the absolute majority of votes cast must be declared elected as Mayor.

- (14) Where two candidates have been nominated and there is an equal number of votes cast, the vote will be re-cast and if after the re-cast of votes there is an equal number of votes the Chief Executive Officer will seek that the meeting be adjourned to 6:00pm the following day so that a new meeting can be conducted to resolve the election of the Mayor.
- (15) Where more than two candidates have been nominated, the candidate that has received an absolute majority of votes cast will be declared elected as Mayor.
- (16) Where more than two candidates have been nominated and no candidate receives an absolute majority of votes cast, the candidate with the fewest number of votes must be eliminated. If more than one candidate has the fewest number of votes, then the candidate to be eliminated must be determined by a simple majority vote.
- (17) A further vote must then be undertaken for the remaining candidates.
- (18) This procedure must be repeated until one of the candidates receives an absolute majority of votes.
- (19) Upon being elected, the Mayor may make a ceremonial speech.

49. Election of Deputy Mayor

- (1) If the Council resolves to have the office of Deputy Mayor, the provisions of rule 47 will apply, except that the Mayor will be the Chairperson of the Meeting.

50. Order of Business at the Meeting to Elect the Mayor

- (1) At the meeting to elect the Mayor and Deputy Mayor, following a general election, the agenda for the meeting may generally include:
 - (a) Opening and Welcome
 - (b) Acknowledgement of Traditional Land Owners/Acknowledgement of Country
 - (c) Apologies
 - (d) Conflicts of Interests
 - (e) Investiture of Newly Elected Councillors
 - (f) Fixing of Councillors' Allowances and Reimbursement of Expenses
 - (g) Mayoral Term
 - (h) Election of Mayor
 - (i) Election of Deputy Mayor
 - (j) Letter of Appreciation to Retiring Councillors
 - (k) Closure

- (2) At a meeting to elect the Mayor and Deputy Mayor, other than following a general election, the agenda for the meeting may include:
 - (a) Opening and Welcome
 - (b) Acknowledgement of Traditional Land Owners/Acknowledgement of Country
 - (c) Apologies
 - (d) Conflicts of Interest
 - (e) Election of Mayor
 - (f) Election of Deputy Mayor
 - (g) Closure

51. Acting Mayor

- (1) The Council may appoint a Councillor to be Acting Mayor when:
 - (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - (b) the Mayor is incapable or performing the duties of the Office of Mayor for any reason including illness; or
 - (c) the office of Mayor is vacant; and
 - (d) the Council has not appointed a Deputy Mayor.
- (2) The procedure for the election of an Acting mayor will be the same as the procedure for the election of the Mayor outlined in these Governance Rules.



1.0 AUTHORITY

- *Local Government Act 2020*
- *Electoral Regulations 2022*
- Mornington Peninsula Shire Council Governance Rules - section 69 of the Act requires Council to include an election period policy in its Governance Rules.

2.0 INTENT

The intent of the Election Period (Caretaker) Policy is to enable the seamless continuation of routine local government operations within the Council during the Caretaker Period in a responsible and transparent manner, in accordance with statutory requirements and best practice.

3.0 SCOPE

This Policy is applicable to Councillors and Officers throughout the Election (Caretaker) Period of a Local Government General Election.

This Policy replaces and overrides any previous policy or document that refers to the Caretaker Period.

4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- Council decisions are to be made and actions taken in accordance with the relevant law.
- priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- the ongoing financial viability of the Council is to be ensured.
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- the transparency of Council decisions, actions and information is to be ensured.

5.0 POLICY STATEMENT

The Election Period (Caretaker) Policy (Policy) has been developed in order to ensure that Local Government General Elections are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.

5.1 Role of the Chief Executive Officer

The Chief Executive Officer has the following responsibilities in supporting the implementation and application of the Policy. In addition to the Chief Executive Officer's statutory responsibilities, the Chief Executive Officer will ensure as far as possible, that:

- a) All Councillors and Officers are informed of and supported in the application of this Policy 30 days prior to the commencement of the Caretaker Period;
- b) Matters of Council business requiring Prohibited Decisions or Significant Decisions are scheduled for Council to enable resolution prior to the commencement of the Caretaker Period or deferred where appropriate for determination by the incoming Council; and
- c) Not include in the order of business for any Ordinary Council, Special Council Meeting, Advisory Committee or Special Committee meeting scheduled during the Caretaker Period, any matter requiring Major Policy Decision or matters that could be considered as considering Inappropriate Decisions.

5.2 Role of Councillors

The role of a Councillor must be kept separate from the role that a person may take as a Candidate (or prospective Candidate) in an election. A Councillor must avoid any conflicts, or appearance of conflict between the two roles and endeavour to demonstrate they understand the separation between the two roles.

During the Caretaker Period, Councillors:

- a) Be supported to continue to undertake their role as Councillor;
- b) Will continue to fulfil their Councillor duties (unless granted a leave of absence); and
- c) Will continue to engage, and communicate with, the community in their Councillor role.

During the Caretaker Period, the Council will not:

- a) Make a Prohibited Decision;
- b) Make a Significant Decision;
- c) Make an Inappropriate Decision; or
- d) Use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

5.3 Decision Making

5.3.1 Council Meetings

Ordinary Council Meetings will continue to take place during the Caretaker Period. However, the following adjustments will be made to the Agenda:

- a) Public Question Time will be suspended;
- b) General Business and Notice of Motion will not be allowed where the matter is an Electoral Matter; and

- c) Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matter where possible.

5.3.2 Officer and Special Committee Decision Making

Council officers and Special Committees with delegated decision-making authority are not permitted to make a Prohibited Decision, Significant Decision or Inappropriate Decision during the Caretaker Period.

5.4 Public Consultation

5.4.1 Right to Postpone

Some public consultation activities may be necessary during the Caretaker Period to facilitate the day to day business of Council.

Any such public consultations will avoid express or implicit links to the election or an Electoral Matter. Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the Caretaker Period.

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Caretaker Period, Council reserves the right to postpone a matter if the issue is likely to become an Electoral Matter.

The requirements of clause 5.4.1 do not apply to public consultation required under the Planning and Environment Act 1987 or matters subject to section 223 of the Local Government Act 1989.

5.5 Council Publications

5.5.1 Prohibition of Publishing Material During the Caretaker Period.

Section 304 of the Act provides that a Councillor or member of Council staff must not use Council resources in a way that is intended to or is likely to affect the result of an election under the Act. It further provides that a Councillor or member of Council staff must not use resources to print, publish or distribute any Electoral Material.

Accordingly, the Chief Executive Officer or Manager Governance and Legal must certify prior to Council printing, publishing or distributing any advertisement, handbill, pamphlet or notice during the Election Period that the material does not contain any Electoral Matter, unless that material is only about the election process.

5.5.2 Certification of Publications

Publications to be printed, published or distributed during the Caretaker Period must first be Certified. Copies of all Certified documents will be retained on Council records.

Publications which require Certification include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes);



- Advertisements, newsletters and notices except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook and Twitter posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to many people by or on behalf of Council;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of Councillors' speeches.

5.5.3 Prohibited Material

In accordance with section 3(5) of the Act, a publication is taken to contain Electoral Matter if it contains an express or implicit reference to, or comment on:

- The election; or
- A Candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

5.5.4 Council Publications Including Councillor Information

Any reference to Councillors standing for re-election in Council publications printed, published, or, distributed during a Caretaker Period must not include promotional text.

5.5.5 Website

Material published on Council's website in advance of the Caretaker Period is not subject to Certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that could be considered Electoral Matter, were it to be published during the Caretaker Period.

Councillor contact information will remain available on the website during the Caretaker Period, but Councillors' profiles will be removed. Any material published on Council's website during the Caretaker Period must be Certified.

5.5.6 Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The 2023/2024 Annual Report will be published during the Caretaker Period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

The Annual Report does not require Certification however any publication of an extract or summary of the Annual Report will require Certification.

5.5.7 Council and Committee Agendas and Minutes

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

5.5.8 Social Media

Any publication on social media sites including Facebook, Twitter, Instagram, blogs and Wikipedia pages during the election period must be Certified.



Staff responsible for administering individual social media sites will monitor their respective sites during the Caretaker Period and use moderation features where available to ensure no Electoral Matter is posted.

5.5.9 Photographs and Images

Photographs and images paid for by Council or taken by Council officers are not to be used in electoral material for any Candidate. This includes images of Councillors, Council events and Council owned or maintained infrastructure.

5.6 Council Resources

5.6.1 Application of Resources

Council resources, including officer vehicles, staff, hospitality, services, property, equipment and stationery must be used exclusively for normal Councillor duties during the Caretaker Period and must not be used in connection with any election campaign or issue.

5.6.2 Role of Mayor and Councillor Support Staff

Mayor and Councillor Support staff, Governance staff, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor or Candidate standing for election.

5.6.3 Role of Communications

Council's Communications team undertake the promotion of Council business, activities and initiatives.

During the election period this team's services must not be used in any way that might promote a Councillor as an election Candidate.

Council publicity during the election period will be restricted to communicating normal Council business, activities and initiatives and subject to Certification.

5.6.4 Use of Council Equipment by Councillors

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Councillor duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. Specifically Council resources, including (but not limited to) offices, meeting rooms, support staff, hospitality services, photographs, equipment and stationery will be used exclusively for normal Council business during the Caretaker period, and will not be used in connection with any election campaign.

5.6.5 Councillors Entitlement to Reimbursement

Reimbursements of Councillors' out-of-pocket expenses during the Caretaker Period will only apply to costs that have been incurred in the performance of normal Council business and in accordance with policy and not for expenses that support or are connected with a Candidate's election campaign.

5.6.6 Council Branding

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

5.6.7 Cessation of Ward Specific Publications

Ward-specific publications, or Councillor profiles and articles in the Council Newsletter, will be suspended during the Caretaker Period.

5.6.8 Officers Discretion

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re- election, the matter must be referred to the Chief Executive Officer or his/her delegate.

5.7 Media Services

5.7.1 Media Releases/Spokesperson

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election Candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his/her delegate will be consulted. Media releases will require Certification.

5.7.2 Council Employees

During the Election Period no Council employee may make any public statement that relates to an Electoral Matter unless prior approval has been obtained by the Chief Executive Officer or his/her delegate.

5.8 Access to Information

5.8.1 Candidates Access to Information

A Councillor may continue to access Council information only as it is necessary for them to perform their role as Councillor.

All election Candidates have equal rights to information relevant to their election campaigns from the Council administration.

Neither Councillors nor Candidates will receive information or advice from Council officers that may improperly advantage Candidates in the elections (which includes internal publications such as Councillor Communicator and the Long Range Agenda as it relates to meetings post- election date).

There will be complete transparency in the provision of all information and advice during the Caretaker Period.

5.8.2 Information Request Register

The Governance and Legal team will maintain an Information Request Register during the Caretaker Period.

5.9 Assistance to Candidates

5.9.1 Role of Election Manager

All election related enquiries from Candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Chief Executive Officer or his/her delegate.

5.9.2 Candidate Information

Council will provide Candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.

Candidates will be informed of their obligation to complete a nomination form which will be available from the Election Manager, accompanied by the nomination fee.

Candidates will also be reminded of their obligations under the *Electoral Act 2002*.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

7.0 ASSOCIATED DOCUMENTS

- *Local Government Act 2020*
- *Electoral Regulations 2022*
- *Mornington Peninsula Shire Councillor Code of Conduct*
- *Mornington Peninsula Shire Council Governance Rules*

8.0 DEFINITIONS

Act	Means the <i>Local Government Act 2020</i> .
Candidate	Means a person who has nominated as a candidate for an election under section 256 of the Act.
Caretaker Period	Has the same meaning as Election Period.
Certify Certified Certification	Means approval in writing by the Chief Executive Officer or Manager Legal and Governance that no Electoral Matter is contained in material for publication during the Caretaker Period.
Councillor Candidate Information Kit	Means the Councillor Candidate Information Kit provided by the Victorian Electoral Commission with additional information relating to the Council.

Councillor duties	Means those duties of the Councillor as detailed in the Act, including section 28 of the Act.
Election Period	Means the period that – a) Starts at the time that nominations close on nomination day (12 noon); and b) Ends at 6pm on election day of the Local Government General Elections
Electoral Material	Has the meaning in section 3(1) of the Act.
Electoral Matter	Has the meaning in section 3(4) of the Act.
Inappropriate Decision	Means a decision made by Council during the Caretaker Period that would affect voting in an election or any decision that could reasonably be made after the Election.
Information Request Register	The Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.
Prohibited Decision	Means a decision described in section 69(2) and (3) of the Act.
Publication	Means any means of publication including letters and information on the internet.
Public Consultation	Means a process that involves an invitation or invitations to individuals, groups or organisation or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.
Returning Officer	Means the person appointed in writing by the Victorian Electoral Commission to conduct the election.
Significant Decision	Means an irrevocable decision that significantly affects the municipality.

9.0 POLICY SPONSOR

The Manager Legal and Governance is responsible for overseeing the application and review of the Election Period (Caretaker) policy.

10.0 DOCUMENT CONTROLS

Council will review/adjust/evaluate/record/publish the Election Period (Caretaker) Policy within four years or earlier as required.



10.1 Document Version Table

Summarise the key changes made to the document to provide a quick understanding of the updates.

Document Version Control				
Version	Section	Revision Description	Date Revised	Approved by
002	8.0	Administrative revision made to rectify missing definitions in Definitions Table	22/02/2023	Team Leader Governance Services

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.