Special Meeting of Council

to be held remotely and live-streamed via Council’s website

Tuesday 25 August 2020 at 6pm

Agenda
Important Notice

Temporary meeting procedures are in effect until further notice, whereby Council and Committee meetings will be held remotely and without members of the public present; however, meetings will be live-streamed via Council’s website: Live Council Meetings

Alternative arrangements are in place for members of the community to be heard in relation to eligible items listed on the agenda via the following link:

Requests to be heard (Provide a Written Statement)

For further queries, please contact the Governance office on 9599 4444
In accordance with Section 17 of Council’s Governance Local Law No: 1 - 2013, a Special Meeting of Bayside City Council will be held remotely, and live-streamed via Council’s website, on Tuesday 25 August 2020 at 6pm, for the purpose of transacting the following business:

**Order of Business**

1. Apologies
2. Disclosure of any Conflict of Interest of any Councillor
3. Reports by the Organisation
   3.1 Proposed Governance Rules 2020 ........................................... 5
4. Urgent Business
1. Apologies

2. Disclosure of any Conflict of Interest of any Councillor
3. **Reports by the Organisation**

3.1 **PROPOSED GOVERNANCE RULES 2020**

 Executive summary

**Purpose and background**

The purpose of this report is to provide Council with the results of the community feedback undertaken on the proposed Governance Rules, and to adopt Governance Rules effective as from 1 September 2020 as required by the *Local Government Act 2020* (The Act).

Council, at its Ordinary meeting on 29 October 2013, adopted Local Law No:1 – 2013 (Governance Local Law).

Section 60 (1) of the Act, proclaimed on 1 May 2020, requires that a Council must develop, adopt and keep in force Governance Rules, for or with respect to: the conduct of Council meetings and delegated committees; the form and availability of meeting records; the election of the Mayor and Deputy Mayor, or appointment of an Acting Mayor; an election period policy; procedures for disclosure of a conflict of interest by a Councillor, member of a delegated committee or member of Council staff; and any other matters prescribed by the regulations.

**Key issues**

**Community Feedback**

Community engagement was undertaken from 9 July 2020 to 10 August 2020. Due to COVID-19, engagement via direct communication channels and online through Bayside Have Your Say. This engagement was promoted to the community and Council stakeholders through a wide variety of channels, including a website news story, This Week in Bayside e-newsletter, social media posts (organic and paid advertising), and internal channels including CEO reflections, In the Loop e-newsletter and Inside Word for Councillors e-newsletter.

Community consultation reached more than 24,000 people via a number of channels:

- Have Your Say webpage: 751 unique visitors
- This Week in Bayside e-newsletters: 6,971 recipients (as at 10 August 2020)
- News item on Council website: 441 views
- Facebook post (organic): 2591 people reached / 100 engagements
- Social media paid advertising (Bayside): 21,336 people reached / 508 links clicked
- Internal audience: 100+ internal Council stakeholders.

From the 24,000 people who were made aware of the consultation, 751 individuals visited the Have Your Say webpage for more information or to make a submission (3.1%).

Of these 751 unique visitors, 24 submissions were received (3.2%), of which 20 were within scope (2.6%).
Four submissions were discounted as they referred to unrelated projects or topics outside the scope of this consultation.

All submissions received were based around the public participation component of the proposed Governance Rules.

Table 1 summarises the key themes referenced in the 20 valid contributions and the number of contributions that referenced each theme.

_Table 1: Themes raised in consultation submissions_

<table>
<thead>
<tr>
<th>Section</th>
<th>Comments</th>
<th>Number of contributions</th>
</tr>
</thead>
</table>
| 62: Limitations upon Speakers | Time should remain or be increased.  
Opposition to limiting number of speakers to 10 and the ‘first in’ system.  
Mixed support for limiting group spokespeople. | 17* |
| 58: Petitions | Support for increasing signatures required for online petitions, and suggest it needs to be higher than 15 signatories.  
Identity verification to identify residency area and ensure integrity of survey. | 5 |
| 58: Petitions | Numbers for petitions should remain the same | 1 |

*2 submissions were from the same respondent, who contacted Council to note their second submission.

A copy of the detailed feedback commentary is referred to as attachment 1 to this report.

Feedback received was primarily 16 people noting opposition to the reduction in speaker time and/or limits on the number of speakers. 6 people also commented on petitions, noting that the signatories should be verified to ensure the integrity of surveys during consultations and that participants were from the Bayside area. One respondent wanted petition signatory requirements to be unchanged.

Although there was consistent opposition to speaker time across many contributors, the overall number of submissions is very small.

Within the commentary provided by the submitters regarding the opposition to reduction in speaking time, consistent concerns related to the ability for the community to communicate their argument within two minutes, and ability for the community to share their perspective with Councillors.
Key points of feedback

(Section 58) - Petitions and Joint Letters

The proposed Governance Rules provides for:

- the number of signatories to a (hardcopy) petition be increased from 5 to 15 signatories; and
- the inclusion of online or electronic petitions with the number of signatories to be a minimum of 50 electronic signatories, and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.

The feedback received in relation to this proposed provision was variable ranging from no change to the existing petition provisions to agreeing with the increased numbers of signatories.

The concerns raised were regarding the online or electronic petitions and maintaining integrity of the petitions. Online petitions often do not provide the opportunity to insert the residential address and therefore petitioners may not be from the municipality. Officers have discussed how best this can be accommodated, through the development of a Bayside specific online petition which can be accessed from Council’s website. This would provide a template requiring the name, residential address, email address, and limiting update of the petition to no more than two people from the same IP address.

Bayside needs to be progressive and provide an online solution to petitions, particularly given the current COVID-19 circumstances, but also into the future.

Proposed recommendations

Section 58(4)

A hardcopy petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 15 people.

Section 58(13)-(15)

(13) The online or electronic petition must contain a petition prayer, consisting of the following words: “We the undersigned hereby petition Bayside City Council.... The electronic or online petition must include the name, residential address and email address of the petitioner and must be submitted via Bayside’s specific online petition template.

(14) The number of signatories to an online or electronic petition (must be a minimum of 50 electronic signatories), and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.

(15) An online or electronic petition will not be presented to a Council meeting if it contains content that appears to be false or misleading.
Section 64 - Individual presentation to Section 223 of the Local Government Act 1989 (Delegated committee – Heating of Submissions) (Section 64)

The proposed Governance Rules provides for:

- **Statutory matters, consulted under Section 223 of the Local Government Act 1989 affords submitters the right to be heard in support of their submission up to ten (10) minutes.**

No submissions were received on this matter, therefore it is recommended this provision be support.

**Proposed recommendation**

*(Section 64(9))

- Where a request to be heard has been received in accordance with section 223 of the Local Government Act 1989, the speaker must be afforded a reasonable opportunity to speak in support of their submission for up to a maximum period of 10 minutes, with no further extension of time to be granted. Councillors may through the Chair, question or seek clarification of any submitter in relation to his or her submission.

*(Section 62) - Limitations upon Speakers (members of the public)*

**Time limits**

The proposed Governance Rules proposes the following:

- A person addressing the Delegated Committee of Council Meeting cannot speak for more than 2 minutes and no further extension of time can be granted.

**Request to be heard provisions for Delegated Committee (Planning and Amenity Committee) meetings**

- Limit of 10 speakers per item listed on the agenda under the category of Report by the Organisation - consisting of up to seven (7) objectors to the application, and up to three (3) supporters (including the applicant/s) to the application.

- Those individuals not afforded the opportunity to speak in person, may make a written statement to be received no later than 11:00am on the day of the meeting. The preferred method for submitting a written statement is online via Council’s dedicated webform. Written statements will be provided to Councillors prior to the meeting for reading and consideration and will be placed on Council’s website prior to the meeting.
Request to be heard provisions for Council meetings or Special Council meetings

- No limit of speakers on each item listed on the agenda under the category of Reports by the Organisation.

- Where an individual has requested that another individual speak on his or her behalf, the spokesperson must not have spoken or be listed to speak in relation to that item.

- Where a group or association wishes to be heard at a meeting, they must nominate only one spokesperson for the group or association to speak for an issue upon which the group or association may wish to be heard.

The feedback received from the consultation indicates that 17 of the valid submissions did not agree with the reduction of speaking time for an individual from 3 minutes to two minutes. Furthermore, some dissatisfaction was expressed with limiting the number of speakers at Delegated Committees, given this may contribute to stacking of speakers at meetings. There was also mixed support for limiting one spokesperson speaking on behalf of an organisation / group.

Whilst the feedback is extremely valuable, it should be noted that only a very small proportion of submissions from the reach of consultation, and, visitors to the webpage was received. This equates to 3.2% of the 751 visitors to the Have You Say page.

Of the valid submissions received they raise an argument for no change to the existing process particularly relating to the limiting the number of speakers to an item, which could cause “stacking” of speakers from organised groups and organisations, and potential an individual who may be directly impacted in the matter would not get the opportunity to speak.

In relation to the proposed speaking time of two minutes, Bayside is one of only a very few councils in Victoria that provide the opportunity for individuals to present before Council and speak immediately prior to Council debate and decision. Speaking at a Council meeting is only one mechanism of consultation with a range of matters before Council.

For the above reasons and the very low response of the submissions received, the following recommendations are proposed:

Proposed recommendations

Section 62(1)

The person addressing the Delegated Committee or Council meeting cannot speak for more than 2 minutes and no further extension of time can be granted.

(noting the deletion of limiting the number of speakers in the remainder of (1))

Section 62(4)

Where a group or association wishes to be heard at a meeting, they must nominate only one spokesperson for the group or association to speak for an issue upon which the group or association may wish to be heard.
Other proposed administrative changes recommended:

Section 60 – Time of Requests

Given the increasing number of requests to be heard and necessity to provide appropriate time for Councillors to read material prior to each meeting, it is recommended that requests to be heard must be received by **9:00am** instead of 11:00am.

Proposed Recommendations

Section 60

(1) A written request must be sent electronically, or delivered to Council’s Corporate Centre, before **9:00 am** on the day of the designated Delegated Committee or Council meeting.

(2) The request to be heard must specify the name, address and contact telephone number of the person requesting to be heard and the item to which he or she wishes to speak.

(3) Requests received after 9:00am on the day of the meeting will not be considered by the Delegated Committee or Council (as the case may be).

Council's Lawyers have reviewed the proposed Governance Rules have suggested only minor grammatical enhancements to the Rules.

Council will recall at its meeting on 28 July 2020 adopted the Election period policy as required by the *Local Government Act 2020*. This policy will now form part of the Governance Rules as indicated in Chapter 11 of the Rules. This will complete the requirements of the *Local Government Act 2020*.

Recommendation

That Council:

1. adopts the Governance Rules dated 25 August 2020 and referenced as Attachment 2 to the report, noting the following changes to the proposed Governance Rules as a result of community consultation and other minor enhancements:

   **Section 58(4)**

   *Every hard copy petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least **15 people**.*

   **Section 58(13)-(15)**

   *(13) The online or electronic petition must contain a petition prayer, consisting of the following words: “We the undersigned hereby petition Bayside City Council.... The electronic or online petition must include the name, residential address and email address of the petitioner and must be submitted via Bayside’s specific online petition template.*
(14) The number of signatories to an online or electronic petition (must be a minimum of 50 electronic signatories), and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.

(15) An online or electronic petition will not be presented to a Council meeting if it contains content that appears to be false or misleading.

Section 60(1)-(3)

(1) A written request must be sent electronically, or delivered to Council’s Corporate Centre, before 9:00am on the day of the designated Delegated Committee or Council meeting.

(2) The request to be heard must specify the name, address and contact telephone number of the person requesting to be heard and the item to which he or she wishes to speak.

(3) Requests received after 9:00am on the day of the meeting will not be considered by the Delegated Committee or Council (as the case may be).

Section 64(9)

Where a request to be heard has been received in accordance with section 223 of the Local Government Act 1989, the speaker must be afforded a reasonable opportunity to speak in support of their submission for up to a maximum period of 10 minutes, with no further extension of time to be granted. Councillors may through the Chairperson, question or seek clarification of any submitter in relation to his or her submission.

Section 62(1)

The person addressing the Delegated Committee or Council meeting cannot speak for more than 2 minutes and no further extension of time can be granted.

Section 62(4)

Where a group or association wishes to be heard at a meeting, they must nominate only one spokesperson for the group or association to speak for an issue upon which the group or association may wish to be heard;

2. notes the incorporation of Council’s Election period policy as adopted by Council at its meeting on 28 July 2020, into the Governance Rules and referenced in Chapter 11;

3. places a copy of the Governance Rules on Council’s website and a copy be provided to each Councillor; and

4. notes the requirement of Chapter 8 – clause 3 of the Governance Rules that the rules will be reviewed by Council within 12 months of a general election; and at such times as Council, in its absolute discretion, determines.

Support Attachments
2. Governance Rules 2020
Considerations and implications of recommendation

Liveable community

Social

The Governance Rules 2020 will provide positive benefits to the Council decision-making process through clear and concise process to assist in Council’s decision making process.

Natural Environment

There are no Natural Environmental implications associated with this report

Built Environment

There are no Built Environmental implications associated with this report

Customer Service and Community Engagement

Community consultation commenced on 9 July 2020 via a ‘Have Your Say’ campaign page on Council’s website and closed at 11am on 10 August 2020 and was widely communicated to over 24,000 people and noted 751 visited the Have Your Say webpage.

Human Rights

The Governance Rules 2020 have been assessed against the principles of the Victorian Charter of Human Rights and Responsibilities Act 2006 and are considered to be compatible with the Charter, given the limitations are reasonable. The limitations strike the correct balance by providing a person with the right to take part in civic life and serving the interests of the local community, and continues to encourage public participation in the decision making process.

Legal

The Governance Rules are required under section 60(1) of the Local Government Act 2020. Council’s legal advisors have reviewed the Governance Rules and provided some enhancements to the wording.

Finance

There are no financial implications associated with this report.

Links to Council policy and strategy

This report has a direct link to Goal 8 of the Council Plan – providing good governance and transparency of the Council’s decision making processes.
## Community Feedback – Hay Your Say - verbatim submissions

<table>
<thead>
<tr>
<th>Subno</th>
<th>Contribution ID</th>
<th>Date Submitted</th>
<th>Q.1. Please provide your feedback on the draft Governance Rules, quoting the section number your comments refer to.</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>28429</td>
<td>Jul 09, 2020, 10:22 AM</td>
<td>Test - it's just me, Roberto I would like to discuss waste issues around Glass and Organics as these two are probably the worst contaminants heading to landfill.</td>
</tr>
<tr>
<td>23</td>
<td>28430</td>
<td>Jul 09, 2020, 12:52 PM</td>
<td>Re Section 58 Petitions &amp; Joint Letters Local Governance rules are already skewed in developers favour regarding the demolition/alteration of historically significant properties. This proposed change will make the preservation of such properties harder still. Unlike the UK where the onus is on developers to provide grounds for demolition or development for properties 100 years and older, unfortunately in Australia the reverse is true. That is, Australian local residents are forced to defend every property from demolition or redevelopment by developers, including culturally and historically significant ones. The current number of signatories should not be increased as mentioned above, the current system is already skewed in favour of the developers rather than the local community trying to preserve the history and livability of the Bayside area.</td>
</tr>
<tr>
<td>22</td>
<td>28431</td>
<td>Jul 09, 2020, 04:39 PM</td>
<td>I STRONGLY object to the proposal that speakers to Council meetings length of time be reduced from 3 minutes to 2 minutes. A real democratic process would not even consider this.</td>
</tr>
<tr>
<td>21</td>
<td>28433</td>
<td>Jul 10, 2020, 02:34 PM</td>
<td>I must voice my objection to changes to section 62 in reduction on speakers and allocated speaking time. If anything 3 minutes is short enough as it is and a reduction in time to two minutes would represent lack of justice. Increase to five minutes would be more the point and, if necessary habe the Committee meet fortnightly instead of monthly.</td>
</tr>
<tr>
<td>20</td>
<td>28435</td>
<td>Jul 10, 2020, 08:34 PM</td>
<td></td>
</tr>
</tbody>
</table>

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Section 62 Limitation Upon Speakers

It is inimical to the role of Local Government that ratepayers in particular, but citizenry in general, be further limited in the breadth of opportunity afforded to them to express views in relation to matters being considered by Council. Even the current limit of 3 minutes barely enables submitters to state a case and develop arguments most matters before Council are multi-faceted and even 3 minutes seriously curtails the opportunity to address the complexity of the subject.

In my opinion and from experience in making submissions a 5 minute limit would be more realistic if Council truly wishes to understand the thinking of its citizens on matters of vital importance to them. It must surely be the objective of Council to have unfettered, within reason, involvement of ratepayers in developing decisions of Council, and not heavily imposed decisions developed by council bureaucrats, likely at the behest of parties with specific, often commercial, interests.

19 28436  Jul 11, 2020, 02:08 PM

I do not believe that at the moment the council makes decisions fairly and in the best interests of the Bayside community. I feel that the residents need a way to be heard and for the council to listen and act appropriately.

I was recently shocked to discover that the council had authorised the construction of huge illuminated parking signs in Church Street Brighton, and tried very hard to encourage the council to take a good look at the community consultation which certainly did not resoundingly support this project. I feel that the council had not taken the time to really look at the project involving these enormous and ugly signs. This was a project that based on community consultation and common sense should not of ever gained traction.

18 28437  Jul 11, 2020, 03:56 PM

The reduction in time for “speaker allocation” from 3 to 2 minutes is an erosion of the rate payers ability to be heard and have reasonable input. It is difficult enough to structure and voice ones opinion given they can not enter into dialogue once we have spoken unless questioned.

17 28441  Jul 13, 2020, 11:41 AM

Council represents the ratepayers. It is their job to allow appropriate time to allow objections and consider those. If Councillors feel they cannot do this, they should resign.

16 28443  Jul 13, 2020, 02:29 PM

15 28514  Jul 15, 2020, 12:22 PM

I believe section 62, limitation on speakers and time allocation is unacceptable.
Limitations upon speakers (Section 62)

I am objecting to the proposed changes to the limitations upon speakers. As a community advocate and committee member of several community organisations, who regularly represents the views of the community at Council meetings, I find the proposed changes abhorrent to the principals of democracy in local government. It is difficult enough to construct a complex argument and deliver it in the currently allotted 3 minutes. 2 minutes is an affront and completely unreasonable and unnecessary. Limiting the number of speakers, and allocating quotas of speakers in support and objecting to a Planning Application is also an affront to democracy and will inevitably lead to a reduction in valid debate and community input into Council decision making. These changes are completely unnecessary, as Bayside Council meetings, and in particular, residents right to speak at them, is vital in ensuring Council has the opportunity to listen to the community and a range of opinions.

I refer to Section 62:

I oppose the proposed change to speaking at council meetings, from 3 minutes down to 2 minutes. And the proposed change to limit the number of speakers per item. And the proposed changes to proxy speakers. All of these measures undermine our democracy. It is tricky enough to distil a cohesive argument into 3 minutes. 2 minutes is far too short. Several councillors have spoken in their virtual council meetings about how they miss hearing the community speak passionately about the issues they care about. Let’s not diminish this opportunity and restrict the ability for the community to express their thoughts on the issues that matter to them. Please do not change the governance rules on these three things.

CHANGES PROPOSED TO SECTIONS 62 AND 64 HAVE THE POTENTIAL TO DISCOURAGE RATEPAYERS FROM ANTICIPATING IN LOCAL DEMOCRACY

It is not in the best interest of the community to limit speakers to 10 and change time allocation from 3 down to 2 minutes
Submission to Bayside City Council re proposed changes to Governance Rules as parts of the transition from Local Law No 1 – 2013 (Governance Local Law) to the format of Governance Rules, as required by the Act by 1 September 2020.

Petitions and Joint Letters (Section 58)

I believe raising the bar for joint letters is a good thing for the reasons stated by Council, but why not raise it higher? 15 is still not a substantial number of people in the community and requires little effort from self-interest groups.

As for online/electronic petitions; these should only be considered where the integrity of the petition can be ensured. It is very important that it is possible to determine that all signatories are who they say they are and their municipality residence status is known. Without such safeguards online petitions can easily be hijacked by well connected, narrow interest groups.

Limitations upon Speakers (Section 62)

I am in favour of a group or association being required to nominate only one spokesperson for the group or association when they wish to be heard at a meeting. This goes some way to preventing well organised interest groups from dominating a meeting and drowning out other views. Of course this doesn’t prevent members of such a group or association registering to speak as individuals.

I strenuously object to the time allocation per speaker being any less than three (3) minutes. It is often very difficult to say what needs to be said in three minutes – it would be impossible in two minutes. Frankly I am appalled that Council seeks to give resident even less say than they currently have! If anything the time should be increased to four minutes.

I object to a limit of ten (10) speakers per item listed on the agenda under the category of Report by the Organisation.

The "first-come, first-serve" basis of registering to speak makes this unreasonable for the wider Bayside community who might not be one of the first ten people to register. It is also open to abuse; particularly given the Organisation’s history of informing groups who would be expected to support a proposal, before the rest of the community are notified. The emails sent by Council on 2nd and 4th July 2018 to sporting clubs and associations asking them to use their “networks” to support Council’s
proposals for Elsternwick Park South, are a good example of this behaviour.

It would be very easy for an organised narrow interest group to fill the seven objector speaker places with people who actually support the proposal but pretend otherwise. These faux objectors can then either talk in favour of the proposal or simply not turn up to speak.

Once again, this proposal appears to be designed to stifle debate.

Changes proposed to Section 62 will undermine democracy. Council should enhance ratepayers involvement by increasing time limits and not decreasing it. Having a limit on the number of speakers is inequitable as all rate payers should have the opportunity to present their case to their democratically elected councillors rather than putting written submissions.

Don’t spend 30 years to build new netball facilities whilst continually upgrading every other sports facility in the area.

I support the majority of the proposed changes, with the following exceptions:

Section 58 - I believe 10 minutes would be a more appropriate time limit.
Section 62 - A 2 minute time limit is very brief if an objector has a number of points to present. I believe there should be some discretion on the time allowed with a maximum of 3 minutes, especially if new issues are being raised.

I also believe the issue of declaring Conflicts of Interest is critically important for good governance and that clear guidelines on this aspect should be provided for all Council staff and Councillors. Consideration should be given to requiring key staff, especially all those with expenditure authority, providing an annual signed declaration that they have:

i) not been involved in any conflicts of interest

ii) not received or given any gifts above a specified value.

Section 62; request to be heard, delegated committee, speakers should be 50% for and against, if there are no more than three speakers for, then allow additional for against. Stay with current time limit. All written statements should be placed on BCC website prior to meeting, for the benefit of transparency.

Request to be heard for Council Meetings/Special Council Meetings; stay with current 3 minutes, all speakers should state which Council Electorate they are domiciled and also if they have conflict of interest or vested interest in the subject matter, e.g. if topic is on heritage each speaker needs to divulge if simply a homeowner, or developer, or interior designer, or architect. All written statements need to be placed on Council
website prior to meeting, if this not possible placed on minutes, for e.g. 10.1 July Ordinary Meeting, there were 78 submissions, details of those submissions should be made available, we need to encourage and abide by transparent processes.
Section 58; Petitioners should state Electorate they reside in. This breakdown should be divulged at Council Meetings e.g. X Number from Bayside, X Number from Other Melbourne Electorates etc etc.
With reference to current COVID-19 processes, all submissions should be made available for review; e.g. there were 78 Submissions re 10.1 at July Ordinary Council Meeting. Details Of each of those submissions should be in the public domain.
Revised Submission to Bayside City Council re proposed changes to Governance Rules as parts of the transition from Local Law No 1 – 2013 (Governance Local Law) to the format of Governance Rules, as required by the Act by 1 September 2020.

Petitions and Joint Letters (Section 58)

Online/electronic petitions should only be considered where the integrity of the petition can be ensured beyond doubt. It is very important that it is possible to determine that all signatories are who they say they are and their municipality residence or rate payer status is known. Without such safeguards online petitions can easily be hijacked by well connected, narrow interest groups encompassing people who do not reside in Bayside.

Exactly the same problem exists with the online “Quick Poll” which has been used on some Have Your Say pages. Such polls are wide open to abuse by organised interest groups who may not reside in Bayside.

Limitations upon Speakers (Section 62)

“Nominating a Spokesperson”

I am in favour of a group or association being required to nominate only one spokesperson for the group or association when they wish to be heard at a meeting. This goes some way to preventing well organised interest groups from dominating a meeting and drowning out other views. Of course this doesn't prevent members of such a group or association registering to speak as individuals.

“Request to be heard at Delegated Committee or Council or Special Council Meeting”

Speaker Time Limits.

I strenuously object to the time allocation per speaker being any less than three (3) minutes AT ANY Delegated Committee or Council Meeting or Special Council Meeting. It is often very difficult to say what needs to be said in three minutes – it would be impossible in two minutes. Frankly I am appalled that Council is proposing to give resident even less say than they currently have. If anything the time should be increased to four minutes.

Request to be heard provisions.

I note that item 10.2 in the Agenda for Ordinary Council Meeting - 28 July 2020, lists numerous options to limit the number of speakers. These are not all listed on the Have Your Say page for this matter.
To be clear, I OBJECT to limiting the number of speakers, (objectors or proponents) AT ANY Delegated Committee or Council Meeting or Special Council Meeting.

The 'first-come, first-serve' basis of registering to speak makes speaker limits unreasonable for residents and rate payers who might not be among the first ten people to register (or whatever the limit may be). The ability to lodge a written statement in the hope that it will be read and considered by the Councillors is nowhere near as powerful as being able to speak in person.

A limit on speakers would also make it easy for an organised narrow interest group to fill all available speaking places and use these as they wish. For example, fake objectors could either talk in favour of a proposal or simply not turn up to speak. The same applies for the opposite situation where proponents could fill all speaker places.

Any artificial limit to speakers is undemocratic, it stifles debate and creates an opportunity for abuse of process.

Kevin Howard
Resident of Brighton
Submission to Bayside City Council re proposed changes to Governance Rules as parts of the transition from Local Law No 1 – 2013 (Governance Local Law) to the format of Governance Rules, as required by the Act by 1 September 2020.

Petitions and Joint Letters (Section 58)

Online/electronic petitions should only be considered where the integrity of the petition can be ensured beyond doubt. It is very important that it is possible to determine that all signatories are who they say they are and their municipality residence or rate payer status is known. Without such safeguards online petitions can easily be hijacked by well connected, narrow interest groups encompassing people who do not reside in Bayside. Exactly the same problem exists with the online “Quick Poll” which has been used on some Have Your Say pages. Such polls are wide open to abuse by organised interest groups who may not reside in Bayside.

Limitations upon Speakers (Section 62)

“Nominating a Spokesperson”

I am in favour of a group or association being required to nominate only one spokesperson for the group or association when they wish to be heard at a meeting. This goes some way to preventing well organised interest groups from dominating a meeting and drowning out other views. Of course this doesn’t prevent members of such a group or association registering to speak as individuals.

“Request to be heard at Delegated Committee or Council or Special Council Meeting”

Speaker Time Limits.

I strenuously object to the time allocation per speaker being any less than three (3) minutes AT ANY Delegated Committee or Council Meeting or Special Council Meeting. It is often very difficult to say what needs to be said in three minutes – it would be impossible in two minutes. Frankly I am appalled that Council is proposing to give resident even less say than they currently have. If anything the time should be increased to four minutes!

Request to be heard provisions.

I note that Item 10.2 in the Agenda for Ordinary Council Meeting - 28 July 2020, lists numerous options to limit the number of speakers. These are not all listed on the Have Your Say page for this matter. To be clear, I OBJECT to limiting the number of speakers, (objectors or proponents) AT ANY Delegated Committee or Council Meeting or Special Council Meeting.

The “first-come, first-serve” basis of registering to speak makes speaker limits unreasonable for residents and rate payers who might not be among the first ten people to register (or whatever the limit may be). The ability
to lodge a written statement in the hope that it will be read and considered by the Councillors is nowhere near as powerful as being able to speak in person. A limit on speakers would also make it easy for an organised narrow interest group to fill all available speaking places and use these as they wish. For example, fake objectors could either talk in favour of a proposal or simply not turn up to speak. The same applies for the opposite situation where proponents could fill all speaker places.

Any artificial limit to speakers is undemocratic, it stifles debate and creates an opportunity for abuse of process.

John Anton
Resident of Brighton
For the purpose of protecting and advancing the interest of all Bayside constituents in open, democratic local government decision-making, we, Glenys Fraser and Ian Pascarii object to the following aspects of the proposed governance changes under the Local Government Act 2021 that seek to:

1. under section 58, countenance on-line petitions unless the identity and Bayside residency of all petitioners can be verified. This comment applies also to Council’s acceptance of on-line polls such as Have your Say’s Quick poll, which are similarly open to abuse by persons/groups who are not residents and/or ratepayers of Bayside;

2. under section 62, limit the number of individuals or the time for which those individuals can speak at Council Meetings, Special Council Meetings, or Delegated Committee Meetings. On matters of importance, Council should be willing to hear from all individuals (as distinct from representatives of organisations) who wish to speak on a matter, and limiting their number, risks an unrepresentative sample of the actual community sentiment being heard on a particular issue. The present time limits on speakers at these meetings is already too restrictive and should be increased rather than reduced to 2 minutes, to at least 4 minutes.

Section 58 Petitions and joint letters

A serious concern here is the potential misuse of the proposed changes by nuisance and one-issue groups. It can easily be seen how much damage can be caused by targeted, like minded groups, such as those who oppose vaccination, mask wearing, authority defying, Sovereign Citizens and self-promoters, even anti dog campaigners.

The number of signatures needed for a petition should be more than the proposed five. Five could be from one household who all push an extremely narrow point of view. The number should be at least 15 if not higher, to limit self-interest and fanaticism.

Section 62 Limitations upon speakers

The selection of speakers must be beyond the tactics of anyone or any groups to take over the floor as well as outright corruption. The latter has been seen in the past when early leaked foreknowledge has allowed stacking of the list of speakers to pass contentious proposals. They did this by getting in at the first chance and filling up the quota for speakers with like-minded councillors.

Time Limit to each speaker. The proposed 2 minutes is too short a time, to explain points of view or proposals. I suggest 5 minutes would be sufficient and at the same time not effect to badly the number of speakers to take the floor.
Governance Rules 2020

Adopted 25 August 2020
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Commitment

Good governance, integrity and accountability are central to the Local Government Act 2020 (the Act), to underpin local government democracy, accountability, conduct and enable our community to hold the Council to account. Council is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to the Governance Rules established. The principles of good governance incorporate the principles outlined in the Act, including overarching principles as well as the public transparency, community engagement, strategic planning, service performance and financial management principles.

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 Governance Rules for the scrutiny of our community and accountability of Councillors and Council officers. Council recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.

Council seeks to apply good governance in order to:

- engage our community in decision making;
- achieve the best outcomes for the Bayside community, including future generations;
- ensure transparency of Council decisions, actions and information;
- ensure the ongoing financial viability of Council;
- increase our performance, and
- spend public monies wisely.
INTRODUCTION

1. Purpose

These Governance Rules determine the way in which Council will:

- make decisions:
  - in the best interest of the Bayside community;
  - fairly and on the merits of the matter before Council; and
  - in a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered;
- elect its Mayor and Deputy Mayor;
- conduct Meetings of Council and Delegated Committees;
- give notice of Meetings and record and make available Meeting records (Minutes and live streamed Meetings);
- be informed in its decisions making through community engagement advisory committees and Council officer reports; and
- require the disclosure and management of conflicts of interest.

The Governance Rules also include:

- rules for the conduct of Council and Councillors during election periods through the Election Period Policy; and
- provision for the use of Council’s Common Seal.

Section 60(2) Local Government Act 2020

The Governance Rules must provide for a Council to -

(a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and

(b) institute 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.
2. Principles

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Local Government Act 2020. These principles are:

(a) council decisions are to be made and actions taken in accordance with the relevant law;
(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
(c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
(d) the municipal community is to be engaged in strategic planning and strategic decisions making;
(e) innovation and continuous improvement is to be pursued;
(f) collaboration with other councils and governments and statutory bodies is to be sought;
(g) the ongoing financial viability of the Council is to be ensured;
(h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
(i) the transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, Council must take into account the following supporting principles –

(a) community engagement principles;
(b) public transparency principles;
(c) strategic planning principles;
(d) financial management principles; and
(e) service performance principles.

3. Nature of Rules

These are the Governance Rules of Bayside City Council, made in accordance with section 60 of the Local Government Act 2020.

4. Date of Commencement

These Governance Rules commence on 1 September 2020.
5. Contents

These Governance Rules are divided into the following Chapters for ease of reading:

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<tr>
<td>Chapter 11</td>
<td>Election Period Policy</td>
</tr>
</tbody>
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6. Definitions

In these Rules:

- **Act** means *Local Government Act 2020*
- **Advisory Committee** means a committee established by the Council, that provides advice to —
  - (a) the Council, or
  - (b) a member of Council staff who has been delegated a power, duty or function of the Council;
  and which is not a Delegated Committee or Community Asset Committee.

- **Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting.
- **Audit and Risk Committee** means the Audit and Risk Committee established by a Council under section 53.
- **Authorised Officer** has the same meaning as in the *Local Government Act 1989*.
- **Chairperson** means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson.
- **Chamber** means any room where the Council holds a Council Meeting.
- **Chief Executive Officer** means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office.
- **Committee Meeting** means a Meeting of a Delegated Committee.
- **Common Seal** means the common seal of Council.
- **Council** means Bayside City Council.
- **Councillor** means a Councillor of Council.
- **Council Meeting** means a Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled (fixed) Meeting and unscheduled (Special Council) Meeting.

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<th>Delegate</th>
<th>has the same meaning as in the Act.</th>
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<td>Delegated Committee</td>
<td>has the same meaning as in the Act.</td>
</tr>
<tr>
<td>Delegated Committee Meeting</td>
<td>means a Meeting of a Delegated Committee.</td>
</tr>
<tr>
<td>Deputy Mayor</td>
<td>means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.</td>
</tr>
<tr>
<td>Director</td>
<td>means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer.</td>
</tr>
<tr>
<td>Disorder</td>
<td>means any disorderly conduct of a member of the Gallery or a Councillor and includes:</td>
</tr>
<tr>
<td></td>
<td>• interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;</td>
</tr>
<tr>
<td></td>
<td>• making comments that are defamatory, malicious, abusive or offensive;</td>
</tr>
<tr>
<td></td>
<td>• refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and these Rules; and</td>
</tr>
<tr>
<td></td>
<td>• engaging in any other conduct which prevents the orderly conduct of the Meeting.</td>
</tr>
<tr>
<td>Foreshadowed Motion</td>
<td>means a matter raised in the relevant section of the Council Meeting that a Councillor intends to put forward a Motion.</td>
</tr>
<tr>
<td>Majority of Votes</td>
<td>means a majority of Councillors present at the time of a vote voting in favour of a matter.</td>
</tr>
<tr>
<td>Mayor</td>
<td>means the Mayor of Council and any person elected or appointed by Council to be acting as Mayor.</td>
</tr>
<tr>
<td>Meeting</td>
<td>means a Council Meeting or a Delegated Committee Meeting.</td>
</tr>
<tr>
<td>Member</td>
<td>means a member of any committee to which these Rules apply.</td>
</tr>
<tr>
<td>Minutes</td>
<td>means the official record of the proceedings and decisions of a Meeting.</td>
</tr>
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<td>Motion</td>
<td>means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted.</td>
</tr>
<tr>
<td>Notice of Motion</td>
<td>means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting.</td>
</tr>
<tr>
<td>Notice of Rescission</td>
<td>means a Notice of Motion to rescind a resolution made by Council.</td>
</tr>
<tr>
<td>On Notice</td>
<td>means held or deferred to enable preparation of a response.</td>
</tr>
<tr>
<td>Point of Order</td>
<td>means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting.</td>
</tr>
<tr>
<td>Procedural Motion</td>
<td>means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.</td>
</tr>
<tr>
<td>Rule or Sub-rule</td>
<td>means a rule or sub-rule included in these Governance Rules.</td>
</tr>
<tr>
<td>Urgent Business</td>
<td>means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting.</td>
</tr>
</tbody>
</table>
CHAPTER 1 – GOVERNANCE FRAMEWORK

1 Context

These Rules should be read in the context of and in conjunction with:
(a) the overarching governance principles specified in section 9(2) of the Act; and
(b) the following documents adopted or approved by Council:
   • Community Engagement Policy;
   • Public Transparency Policy;
   • Conflict of Interest Guide for Councillors and Staff;
   • Good Governance Framework;
   • Councillor Code of Conduct;
   • Staff Code of Conduct; and
   • Other relevant policies.

Guidance and overview notes within these rules are intended to be explanatory and included for guidance and do not form part of these Rules. These Rules will be monitored and updated to reflect changes to legislation or to assist interpretation and understanding.

2. Decision Making

(a) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
   (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; 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 Council is entitled to communicate their views and have their interests considered); and

(c) Without limiting anything in paragraph (b) of this sub-Rule:
   (i) before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
   (ii) if a report to be considered at a Council Meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
(iii) if a report to be considered at a Delegated Committee Meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and

(iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.
CHAPTER 2 – MEETINGS PROCEDURE FOR COUNCIL MEETINGS

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Part A – Introduction

1. Title

This Chapter will be known as the ‘Meeting Procedure Chapter’.

2. Purpose of this Chapter

The purpose of this Chapter is to:

(1) provide for the election of the Mayor and any Deputy Mayor;

(2) provide for the appointment of any Acting Mayor; and

(3) provide for the procedures governing the conduct of Council Meetings.

3. Definitions and Notes

(1) In this Chapter:

‘Agenda’ means the notice of a Meeting setting out the business to be transacted at the Meeting;

‘Chair’ means the Chairperson of a Meeting and includes a Councillor who is appointed by resolution to chair a Meeting under section 61(3) of the Act;

‘minute book’ means the collective record of proceedings of Council;

‘municipal district’ means the municipal district of Council;

‘Notice of Motion’ means a notice setting out the text of a Motion, which it is proposed to move at the next relevant Meeting;

‘Notice of Rescission’ means a Notice of Motion to rescind a resolution made by Council; and

‘written’ includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning.

(2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.
Part B – Election of Mayor

**Introduction:** This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.

4. Election of the Mayor

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

5. Method of Voting

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

6. Determining the Election of the Mayor

   (1) The Chief Executive Officer must open the Meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

   (2) Any nominations for the office of Mayor must be:

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

      (b) seconded by another Councillor.

   (3) Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

      (a) if there is only one nomination, the candidate nominated must be declared to be duly elected;

      (b) if there is more than one nomination, the Councillors present at the Meeting must vote for one of the candidates;

      (c) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

      (d) in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the Meeting must then vote for one of the remaining candidates;

      (e) if one of the remaining candidates receives an absolute majority of votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of votes. That candidate must then be declared to have been duly elected;
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(f) in the event of two or more candidates having an equality of votes and one of them having to be declared:

(i) a defeated candidate; and

(ii) duly elected

the declaration will be determined by lot.

(g) if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

(i) each candidate will draw one lot;

(ii) the order of drawing lots will be determined by the alphabetical order of surnames of the Councillors who received an equal number of votes except that if two or more such Councillors’ surnames are identical, the order will be determined by alphabetical order of the Councillors’ first names; and

(iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word ‘Defeated’ shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word ‘Defeated’ written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

(1) any office of Deputy Mayor; or

(2) Chair of a Delegated Committee

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

(3) Chief Executive Officer is a reference to the Mayor; and

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

8. Appointment of Acting Mayor

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

(1) resolving that a specified Councillor be so appointed; or

(2) following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.
Part C – Meetings Procedure

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a Meeting. Collectively, the Divisions describe how and when a Meeting is convened, when and how business may be transacted at a Meeting.

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by Council

Subject to Rule 11, Council must from time to time fix the date, time and place of all Council Meetings.

10. Council May Alter Meeting Dates

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

11. Meetings Not Fixed by Council (Special Council Meetings)

(1) The Mayor or at least 3 Councillors may by a written notice call a Special Council Meeting.

(2) The notice must specify the date and time of the Special Council Meeting and the business to be transacted.

(3) The notice to be delivered or sent electronically to the Chief Executive Officer in sufficient time to enable reasonable notice of the Special Council Meeting to be given to all Councillors.

(4) The Chief Executive Officer must convene the Special Council Meeting as specified in the notice.

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

Explanatory note:

Council is also able to call a Special Council Meeting. This must be done by resolution. The Chief Executive Officer can call a Special Council Meeting to be held within 14 days of the result of the Council election being declared.
12. **Council / Committee Meeting Location**

12.1 Council Meetings, and Delegated Committee Meetings will be held in the Council Chambers, or any building within the Civic Centre Precinct as determined by the Mayor, or another location outside the Civic Centre Precinct by resolution of the Council.

12.2 Special Council Meetings may be held at the Council Chambers or the Corporate Centre as determined by the Mayor or by the formal notice calling the Special Meeting of Council.

13. **Notice of Meeting**

(1) A notice of Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council Meetings no fewer than 48 hours before the Meeting.

(2) Notwithstanding sub-Rule (1), a notice of Meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any Meeting during the period of his or her absence.

(3) Reasonable notice of each Council Meeting must be provided to the public. Council may do this:

(a) for Meetings which it has fixed by preparing a schedule of Meetings annually, twice yearly or from time-to-time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district either at various times throughout the year, or prior to each such Council Meeting; and

(b) for any Meeting by giving notice

(i) on its website;

(ii) the Corporate Centre/or

(iii) in at least one daily newspaper generally circulating in the municipal district; and

(iv) or unless time does not allow this to occur in a newspaper, in which case the posting of a notice setting out the details must be displayed on Council’s website and the entrance of the Council Chambers and Corporate Centre.
Division 2 – Quorums

14. Quorums

The quorum for Council Meetings or Special Council Meetings is the presence of a majority of the Councillors.

15. Inability to Obtain a Quorum

If after 30 Minutes from the scheduled starting time of any Council Meeting, a quorum cannot be obtained:

(1) the Meeting will be deemed to have lapsed;

(2) the Mayor must convene another Council Meeting, the Agenda for which will be identical to the Agenda for the lapsed Meeting; and

(3) the Chief Executive Officer must give all Councillors written notice of the Meeting convened by the Mayor.

16. Inability to Maintain a Quorum

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

(2) Sub-Rule (1) does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

17. Inability to Achieve or Maintain a Quorum due to Conflicts of Interest of Councillors

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by one or more Councillors, the Chair must:

(a) defer the item of business in respect of which there is or is likely to be a disclosure of a conflict of interest by one or more Councillors, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council Meeting; or

(b) adjourn the Meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.
18. Adjourned Meetings

(1) Council may adjourn any Meeting to another date or time but cannot in the absence of Disorder or a threat to the safety of any Councillor or member of Council staff adjourn a Meeting in session to another place.

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

(3) If it is impracticable for the notice given under sub-Rule (2) to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

19. Time limits for Meetings

(1) A Council Meeting or a Special Council Meeting or Delegated Committee Meeting must not continue after 11:00pm unless a majority of Councillors present vote in favour of it continuing.

(2) A Meeting cannot be continued for more than 30 Minutes (or a further 30 Minutes, if a majority of Councillors has already voted to continue it for 30 Minutes).

(3) If a matter before the Meeting has not concluded by the time the 30 minute time extension has expired, the matter before the Meeting may continue until such time as the matter has been resolved. No further matters may be considered after the conclusion of the matter before the Meeting.

(4) In the absence of such continuance, the Meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the Meeting standing adjourned. In that event, the provisions of sub-Rules 18(2) and 18(3) apply.

20. Cancellation or Postponement of a Meeting

(1) The Chief Executive Officer may, in the case of an administrative matter or an emergency necessitating the cancellation or postponement of a Council Meeting or Special Council Meeting, cancel or postpone a Council Meeting or Special Council Meeting.

(2) The Chief Executive Officer must present to the immediately following Council Meeting a written report on any exercise of the power conferred by sub-Rule (1).
Division 3 – Business of Meetings

21. Agenda and the Order of Business

The Agenda for and the order of business for a Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.

22. Change to Order of Business

Once an Agenda has been sent to Councillors, the order of business for that Council Meeting may be altered with the consent of Council.

23. Urgent Business

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

(1) relates to or arises out of a matter which has arisen since distribution of the Agenda; and

(2) cannot safely or conveniently be deferred until the next Council Meeting.

24. Reports of Delegates

(1) A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

(2) In presenting, the Councillor may for up to 3 Minutes:

(a) address Council on the contents of any written report which the Councillor has submitted for inclusion in the Agenda; or

(b) provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.
Division 4 – Motions and Debate

25. Councillors May Propose Notices of Motion

Councillors may ensure that an issue is listed on an Agenda by lodging a Notice of Motion.

26. Notice of Motion

1. A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.

2. A Notice of Motion must be in writing signed by a Councillor, (including by electronic means) and be lodged with or sent to the Chief Executive Officer no later than 12 noon 8 days before the day of the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.

Explanatory note:
For avoidance of confusion, if a Meeting is to be held on a Tuesday, a Notice of Motion must be signed and lodged no later than 12 noon on the previous Wednesday.

3. The notice of Motion submitted to the Chief Executive Officer must include the words for the proposed Motion, and include a written rationale for the proposed Motion to be submitted.

4. The Chief Executive Officer may reject any Notice of Motion which:

   a. is vague or unclear in intention;
   b. relates to a matter that can be addressed through the operational service request process;
   c. relates to a matter that has been previously resolved by Council within the previous 6 months, or is acted upon;
   d. is beyond Council’s power to pass; or
   e. if passed would result in Council otherwise acting invalidly;

   but must:

   f. give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
   g. notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

5. The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda.
(6) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.

(7) The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion register in the order in which they were received.

(8) Except by leave of Council, each Notice of Motion before any Meeting must be considered in the order in which they were entered in the Notice of Motion register.

(9) If a Councillor who has given a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chair, any other Councillor may move the Motion.

(10) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

27. Chair’s Duty

Any Motion which is determined by the Chair to be:

(1) defamatory;

(2) objectionable in language or nature;

(3) vague or unclear in intention;

(4) outside the powers of Council; or

(5) irrelevant to the item of business on the Agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the Chair.

The Chair of the Council Meeting or Special Council Meeting or Delegated Committee Meeting must acknowledge and recognise the first Councillor to rise to his/her feet as the first speaker to address the Chair in order to move a Motion, unless for reasons of sickness or disability where a raised hand will be accepted by the Chair.

For the purpose of Special Committee Meetings, the Chair of the Meeting must acknowledge and recognise the first Councillor to raise his/her hand as the first speaker to address the Chair in order to move a Motion.
28. **Introducing a Motion or an Amendment**

The procedure for moving any Motion or amendment is:

1. the mover must state the Motion without speaking to it;

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

3. if a Motion or an amendment is moved and seconded the Chair must ask:

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

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

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

6. after the mover has addressed the Meeting, the seconder may address the Meeting;

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

8. if, after the mover has addressed the Meeting, the Chair has invited debate and no Councillor speaks to the Motion, then the Chair must put the Motion to the vote;

9. no discussion on the item being considered may take place until such time as a Motion is before the Chair. Questions of clarification may be asked of the Chairperson or members of Council staff present at the Meeting;

10. the chair is unable to move or second a Motion, and may only if necessary debate a Motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the Motion; and

11. if the chair wishes to move, or second a Motion then the Mayor or Deputy Mayor must take the Chair or, if there is no Mayor or Deputy Mayor, the Meeting must elect a temporary Chair where upon the Chair must vacate the Chair and not return to it until the Motion has been resolved upon.
29. Right of Reply

(1) The mover of a Motion has a right of reply to matters raised during debate.

(2) After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the Motion, the Motion must immediately be put to the vote without any further discussion or debate.

(3) Except for the mover of a Motion who has the right of reply, all other Councillors can only speak once to the Motion before the Chair.

30. Moving an Amendment

(1) Subject to sub-Rule (2) a Motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the Motion.

(2) A Motion to confirm a previous resolution of Council cannot be amended.

(3) An amendment must not be directly opposite to the Motion.

(4) The mover of an amendment cannot exercise any right of reply.

31. Who May Propose an Amendment

(1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original Motion.

(2) Any one Councillor cannot, without the leave of the Chair, move more than two amendments in succession.

(3) Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original Motion.

(4) Debate on an amendment must be restricted to the terms of the amendment.

32. How Many Amendments May Be Proposed

(1) Any number of amendments may be proposed to a Motion but only one amendment may be accepted by the Chair at any one time.

(2) No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.
33. An Amendment Once Carried

(1) If the amendment is carried, the Motion as amended then becomes the Motion before the Meeting, and the amended Motion must then be put.

(2) The mover of the original Motion retains the right of reply to that Motion.

34. Foreshadowing Motions

(1) At any time during debate, a Councillor may foreshadow a Motion so as to inform Council of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed Motion.

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

(3) The Chief Executive Officer or person taking the Minutes of the Meeting is not expected to record foreshadowed Motions in the Minutes until the foreshadowed Motion is formally moved.

(4) A foreshadowed Motion has no procedural standing and is merely a means of assisting the flow of a Meeting. The Chair is not obliged to accept foreshadowed Motions.

35. Withdrawal of Motions

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

(2) If the majority of Councillors objects to the withdrawal of the Motion, it may not be withdrawn.

36. Separation of Motions

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

37. Chair May Separate Motions or Allow Motions to be Moved in Block

(1) The Chair may decide to put any Motion to the vote in several parts.

(2) The Chair may allow or request a Councillor to move ‘items’ in block.
38. **Priority of Address**

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

39. **Motions in Writing**

(1) The Chair may require that a complex or detailed Motion be in writing.

(2) Council may adjourn the Meeting while the Motion is being written or Council may defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

40. **Repeating Motion and/or Amendment**

The Chair may request the person taking the Minutes of the Council Meeting to read the Motion or amendment to the Meeting before the vote is taken.

41. **Debate Must be Relevant to the Motion**

(1) Debate must always be relevant to the Motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the Motion.

(2) If after being requested to confine debate to the Motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to be seated and not speak further in respect of the Motion then before the Chair.

(3) A speaker to whom a direction has been given under sub-Rule (2) must comply with that direction.

42. **Speaking Times**

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

a) the mover of a Motion or an amendment which has been opposed: 4 Minutes;

b) the seconder of a Motion or an amendment: 4 Minutes;

c) any other Councillor: 4 Minutes;

d) the mover of a Motion exercising a right of reply: 2 minute;

e) a Councillor’s answer to a question by another Councillor: 1 minute; and

f) a Councillor when clarifying a matter or giving a personal explanation: 1 minute.
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(2) Only one extension is permitted for each speaker.

(3) A Motion to extend the speaking time cannot be moved:
   (a) until the original speaking time has expired; and
   (b) if another speaker has already commenced his or her contribution to the
debate;
   and must be seconded.

(4) Any extended speaking time must not exceed 1 minute.

(5) All speakers must be timed, and a warning signal sound when 30 seconds of the
allocated time is remaining.

43. Addressing the Meeting

If the Chair so determines:

(1) any person addressing the Chair must refer to the Chair as:
   (a) Madam Mayor; or
   (b) Mr Mayor; or
   (c) Madam Chair; or
   (d) Mr Chair
   as the case may be;

(2) all Councillors, other than the Mayor, must be addressed as
   Cr .................... (name);

(3) all members of Council staff, must be addressed as Mr or Ms
   ......................... (name) as appropriate or by their official title;

(4) except for the Chair, any Councillor who addresses the Meeting at a Council
   Meeting or Special Council Meeting must stand and direct all remarks through the
   Chair;

(5) it will not be necessary for Councillors to rise when speaking to the Chair at a
   Delegated Committee Meeting or matters considered in a closed Meeting of Council
   (Confidential Business) in accordance with section 66(2)(a) of the Local
   Government Act 2020; and

(6) despite sub-clause (4), the Chair may permit any Councillor or person to remain
   seated while addressing the Chair at a Council or Special Council Meeting for
   reasons of sickness, infirmity, disability or otherwise at his or her discretion.

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44. Right to Ask Questions

(1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the Motion or amendment before the Chair.

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

Division 5 – Procedural Motions

45. Procedural Motions

(1) Unless otherwise prohibited, a procedural Motion may be moved at any time and must be dealt with immediately by the Chair.

(2) Procedural Motions require a seconder.

(3) The mover of a procedural Motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.

(4) The mover of a procedural Motion does not have a right of reply.

(5) Notwithstanding any other provision in this Chapter, procedural Motions must be dealt with in accordance with the following table:
## PROCEDURAL MOTIONS TABLE

<table>
<thead>
<tr>
<th>Procedural Motion</th>
<th>Form</th>
<th>Mover &amp; Seconder</th>
<th>When Motion Prohibited</th>
<th>Effect if Carried</th>
<th>Effect if Lost</th>
<th>Debate Permitted on Motion</th>
</tr>
</thead>
</table>
| Adjournment of debate to later hour and/or date | That this matter be adjourned to *any*/pm and/or *date | Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion | (a) During the election of a Chair;  
(b) When another Councillor is speaking | Motion and amendment is postponed to the stated time and/or date | Debate continues unaffected | Yes |
| Adjournment of debate indefinitely | That this matter be adjourned until further notice | Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion | (a) During the election of a Chair;  
(b) When another Councillor is speaking; or  
(c) When the Motion would have the effect of causing Council to be in breach of a legislative requirement | Motion and any amendment postponed but may be resumed at any later Meeting if on the Agenda | Debate continues unaffected | Yes |
| Closure of Debate | That the Motion be now put | Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion | During nominations for Chair | Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this Motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the Motion | Debate continues unaffected | No |
### Bayside City Council - Governance Rules

<table>
<thead>
<tr>
<th>Procedural Motion</th>
<th>Form</th>
<th>Mover &amp; Seconder</th>
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<th>Effect if Carried</th>
<th>Effect if Lost</th>
<th>Debate Permitted on Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alter the order of business</td>
<td>That Item xx list on the Agenda be brought forward and dealt with at this point of the Meeting.</td>
<td>/any Councillors</td>
<td>At a Meeting to elect the Mayor or During any debate</td>
<td>Alters the order of business for the Meeting</td>
<td>Items continue to be considered in the order as listed.</td>
<td>No</td>
</tr>
<tr>
<td>Suspension of Standing Orders</td>
<td>That Standing Orders be suspended ... (reason to be provided)</td>
<td>Any Councillor</td>
<td></td>
<td>The rules of the Meeting are temporarily suspended for the specific reason given in the Motion. No debate or decision other than a Motion to resume Standing Orders is permitted</td>
<td>The Meeting continues unaffected.</td>
<td>No</td>
</tr>
<tr>
<td>Resumption of Standing Orders</td>
<td>That Standing Orders be resumed</td>
<td>Any Councillor</td>
<td>When Standing Orders have not been suspended</td>
<td>The temporary suspension of the rules of the Meeting is removed.</td>
<td>The Meeting cannot continue</td>
<td>No</td>
</tr>
<tr>
<td>Consideration of confidential matters(s) (Close the Meeting to members of the public)</td>
<td>That in accordance with Section 66(2)(a) of the LGA 2020 the Meeting be closed to members of the public for the consideration of Item xx is confidential as it relates to [insert reason]</td>
<td>Any Councillor</td>
<td>During the election of the Mayor / Deputy Mayor</td>
<td>The Meeting is closed to members of the public</td>
<td>The Meeting continues to be open to the public</td>
<td>Yes</td>
</tr>
<tr>
<td>Reopen the Meeting</td>
<td>That the Meeting be reopened to members of the public</td>
<td>Any Councillor</td>
<td></td>
<td>The Meeting is reopened to the public</td>
<td>The Meeting remains closed to the public.</td>
<td>No</td>
</tr>
</tbody>
</table>
Division 6 – Rescission Motions

46. Notice of Rescission

(1) A Councillor may propose a Notice of Rescission provided:

(a) it has been signed and dated by at least three Councillors;

(b) the resolution proposed to be rescinded has not been acted on; and

(c) the Notice of Rescission is delivered to the Chief Executive Officer within 48 hours of the resolution having been made setting out -

(i) the resolution to be rescinded; and

(ii) the Meeting and date when the resolution was carried.

Explanatory note:

It should be remembered that a Notice of Rescission is a form of notice of Motion.
Accordingly, all provisions in this Chapter regulating Notices of Motion equally apply to Notices of Rescission.

(2) A resolution will be deemed to have been acted on if:

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

(b) a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

Explanatory note:

If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant’s agent) or a letter or email is sent to the planning permit applicant (or the applicant’s agent) advising of Council’s decision, the resolution will have been ‘acted on’. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as obligations on Council to comply with its duties under the Planning and Environment Act 1987.

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

(a) has not been acted on; and

(b) is the subject of a Notice of Rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule (1)(c),

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
**Explanatory note:**
By way of example, assume that, on a Tuesday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Tuesday. Assume also that, immediately after that resolution is made, a Councillor lodges a Notice of Motion to rescind that resolution. Finally, assume that the Notice of Rescission would not be dealt with until the next Tuesday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the Notice of Rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the Notice of Rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule (3) would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff acting on the resolution rather than deferring implementation of it.

47. **If Lost**

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

48. **If Not Moved**

If a Motion for rescission is not moved at the Meeting at which it is listed, it lapses and a similar Motion may not be put before Council for at least 90 days from the date on which it lapsed.

49. **May be Moved by Any Councillor**

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

50. **When Not Required**

(1) Unless sub-Rule (2) applies, a Motion for rescission is not required where Council wishes to change policy.

(2) The following standards apply if Council wishes to change policy:

(a) 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

(b) 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.
Division 7 – Points of Order

51. Chair to Decide

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

52. Chair May Adjourn to Consider

(1) The Chair may adjourn the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

(2) All other questions before the Meeting are suspended until the point of order is decided.

53. Dissent From Chair’s Ruling

(1) A Councillor may move that the Meeting disagree with the Chair’s ruling on a point of order, by moving:

“That the Chair’s ruling [setting out that ruling or part of that ruling] be dissented from”.

(2) When a Motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary Chair elected by the Meeting) must take his or her place.

(3) The Deputy Mayor or temporary Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.

(4) The Deputy Mayor or temporary Chair must put the Motion in the following form:

“That the Chair’s ruling be dissented from."

(5) If the vote is in the negative, the Chair resumes the Chair and the Meeting proceeds.

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

(7) The defeat of the Chair’s ruling is in no way a Motion of censure or non-confidence in the Chair, and should not be so regarded by the Meeting.
54. **Effect of Ruling**

If the Chair:

(a) rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or

(b) rules against the point of order the speaker may continue.

55. **Procedure for Point of Order**

A Councillor raising a point of order must:

(1) state the point of order; and

(2) state any section, Rule, paragraph or provision relevant to the point of order before resuming his or her seat.

56. **Valid Points of Order**

A point of order may be raised in relation to anything which:

(1) a Motion, which, under Rule 27, or a question which, under Rule 57, should not be accepted by the Chair;

(2) a question of procedure;

(3) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;

(4) debate that is irrelevant to the matter under consideration;

(5) constitutes a tedious repetition of something already said;

(6) a matter that is outside the powers of Council;

(7) is offensive; or

(8) any act of Disorder.

**Explanatory note:**
Rising to express a difference of opinion or to contradict a speaker is not a point of order.
Division 8 – Public Question Time

57. Question Time

(1) There must be a public question time at every Council Meeting fixed under Rule 9 to enable members of the public to submit questions to Council.

(2) Sub-Rule (1) does not apply during any period when a Meeting is closed to members of the public in accordance with section 68(2) of the Act.

(3) Public question time will not exceed 15 Minutes in duration.

(4) Questions submitted to Council must be:

(a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and

(b) lodged at the Council offices by 11:00 am on the day immediately preceding the day of the Council Meeting, or be lodged electronically at the email address prescribed by Council prior to 11:00 am on the day immediately preceding the day of the Council Meeting.

(5) No person may submit more than 2 questions at any 1 Meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered. All parts of the question must be relevant to the same subject of enquiry.

(6) The Chair must read to those present at the Meeting a question which has been submitted in accordance with this clause.

(7) The Chair or a member of Council staff nominated by the Chair may read to those present at the Meeting a question which has been submitted in accordance with this Rule.

(8) Notwithstanding sub-Rule (6), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.

(9) A question may be disallowed by the Chair if the Chair determines that it:

(a) relates to a matter outside the duties, functions or powers of Council;

(b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

(c) deals with a subject matter already answered;

(d) is aimed at embarrassing a Councillor or a member of Council staff;

(e) relates to personnel matters;

(f) relates to the personal hardship of any resident or ratepayer;
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(g) relates to industrial matters;

(h) relates to contractual matters;

(i) relates to proposed developments;

(j) relates to legal advice;

(k) relates to matters affecting the security of Council property; or

(l) relates to any other matter which Council considers would prejudice Council or any person.

(10) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.

(11) All questions and answers must be as brief as possible, and no further questions arising out of anything said will be allow, and no discussion may be allowed other than by Councillors for the purposes of clarification.

(12) Like questions may be grouped together and a single answer provided.

(13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.

(14) The Chair or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.

(15) The name of the questioner, the question and the response must be recorded in the Minutes, as an official record of the questions submitted to the Meeting.

(16) Where a questioner is not present in the Chamber at the time of Public Question Time the question and response will not be read at the Meeting and will not be recorded in the Minutes of the Meeting. A written response will be forwarded to the questioner with the response.
Division 9 – Petitions and Joint Letters

58. Petitions and Joint Letters

(1) Unless Council determines to consider it as an item of urgent business, no Motion (other than a Motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next Council Meeting after that at which it has been presented.

(2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council.

(3) Every Councillor presenting a petition or joint letter to Council must confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request:

(4) Every hard copy petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 15 people.

(5) A petition must include a prayer on every page of a petition, consisting of the following words: “We the undersigned hereby petition Bayside City Council…”

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

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

(8) Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

(9) The only Motions that may be moved in relation to petitions set out in the Agenda are:

(a) That the petition be received;

(b) That the petition be received and a report be submitted to a specific Meeting cycle for consideration;

(c) That the petition be considered at a specific time or in conjunction with a specific item;

(d) That the petition be dealt with in conjunction with another item on this Agenda or any other Council or Special Committee Agenda; and

(e) That the petition be referred to the Chief Executive Officer for consideration and response.
(10) If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer or relevant Director for consideration and response.

(11) No member of the public is permitted to speak to the petition when presented at a Council Meeting. Individuals may request to speak to the petition when any report on the item is considered by at Council Meeting at a later Meeting.

(12) The Chief Executive Officer or delegate may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council Meeting.

(13) The online or electronic petition must contain a petition prayer, consisting of the following words: “We the undersigned hereby petition Bayside City Council...” The electronic or online petition must include the name, residential address and email address of the petitioner and must be submitted via Bayside’s specific online petition template.

(14) The number of signatories to an online or electronic petition (must be a minimum of 50 electronic signatories), and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.

(15) An online or electronic petition will not be presented to a Council Meeting if it contains content that appears to be false or misleading.
Division 10 – Individual Presentations

59. Individual Presentations to Delegated Committee Meetings, Council and Special Council Meetings

An individual wishing to present to a designated Meeting of a Delegated Committee or at a Council Meeting or Special Council Meeting may make a written request to the Chief Executive Officer or his or her delegate.

60. Time of Request

(1) A written request must be delivered or sent electronically to Council’s Corporate Centre before 9:00 am on the day of the designated Delegated Committee or Council Meeting.

(2) The request to be heard must specify the name, address and contact telephone number of the person requesting to be heard and the item to which he or she wishes to speak.

(3) Requests received after 9:00 am on the day of the Meeting will not be considered by the Delegated Committee or Council (as the case may be).

61. When a Presentation Can Be Made

A person may only present to:

(a) a Council Meeting in relation to an item listed in the Agenda under ‘Reports by the Organisation’, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract;

(b) a Special Council Meeting in relation to an item in the Agenda under ‘Reports by the organisation’ and even then, not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract; or

(c) a Delegated Committee in relation to an item listed on the Agenda for the Meeting of the Delegated Committee.
62. **Limitations Upon Speakers**

If at a Delegated Committee or Council Meeting determines to hear from an individual:

1. the person addressing the Delegated Committee or Council Meeting cannot speak for more than 2 Minutes and no further extension of time can be granted;

2. where an individual has requested that another individual speak on his or her behalf, the spokesperson must not have spoken or be listed to speak in relation to that item;

3. where a member of the public has requested to be heard in relation to an item on the Agenda, and he or she is not present at the time of calling his or her name to the microphone, and subsequently arrives in the gallery after his or her name has been called or once the debate on the item has commenced, the person previously called will not be afforded the opportunity to speak to the item;

4. where a group or association wishes to be heard at a Meeting, they must nominate only one spokesperson for the group or association to speak for an issue upon which the group or association may wish to be heard; and

5. a Councillor must not ask the speaker to continue the speaking opportunity after the two (2) Minutes has expired. Only questions to the speaker relating to clarification of points raised by the speaker may be asked of the speaker.

63. **Questions But No Discussion Permitted**

Following a speaker’s presentation, members of the Delegated Committee or Councillors at a Council Meeting or Special Council Meeting or members of Council staff at either Meeting may only ask the speaker questions or seek clarification of issues raised by the speaker in his/her presentation which may assist in the deliberations prior to the elected body making a decision, but no discussion will be allowed.
64. **Individual Presentations Pursuant to Section 223 of the Local Government Act 1989 (Delegated Committee – Hearing of Submissions)**

(1) Council from time-to-time will establish a Delegated Committee pursuant to Section 223 of the Local Government Act 1989 to provide an opportunity to hear from community members in a formal setting on key issues.

(2) A Hearing Committee will be comprised only of Councillors.

(3) Where an issue affects a large proportion of the Bayside community, all Councillors will be appointed to the Hearing Committee.

(4) Where an issue affects a ward related matter, up to three Councillors to be appointed to the Hearing Committee, one of which must be the ward councillor.

(5) Community members will be provided with reasonable notice of the date and time that they will be invited to address a Hearing Committee.

(6) Council may resolve that the Hearing Committee Meetings will be held electronically and make provisions for community members to address the committee by a video conferencing tool.

(7) Council may resolve a Hearing Committee will be livestreamed.

(8) A summary of proceedings of all Hearing Committee Meetings held will be reported to Council.

(9) Where a request to be heard has been received in accordance with section 223 of the Local Government Act 1989, the speaker must be afforded a reasonable opportunity to speak in support of their submission for up to a maximum period of 10 Minutes, with no further extension of time to be granted. Councillors may through the Chair, question or seek clarification of any submitter in relation to his or her submission.

(10) Where a submitter has been heard in accordance with section 223 of the Local Government Act 1989 at a Delegated Committee established for that purpose, or where there are no submitters at a section 223 hearing, no further opportunity will be afforded to speak again on the subject matters when it is considered at the Council Meeting or Special Council Meeting.

65. **Relaxation of Requirement**

Nothing in this Division prevents:

(a) the Chief Executive Officer determining which Delegated Committee Meeting will consider the request for the individual to be heard;

(b) arranging for a deputation or individual to meet with a group of Councillors;

(c) Council from resolving to hear from a deputation or individual at any time; or
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(d) Council from:

(i) terminating the appointment of or not appointing any Delegated Committee; or

(ii) resolving that a Delegated Committee empowered to hear an individual wishing to be heard, to no longer hear from the individuals wishing to be heard.

In which case any reference in clauses 60-64 (inclusive) and sub-clause (1) to a Delegated Committee will be read as a reference to Council.

Division 11 – Voting

66. How Motion Determined

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

67. Silence

Voting must take place in silence.

68. Recount

The Chair may direct that a vote be recounted to satisfy himself or herself of the result.

69. Casting Vote

In the event of a tied vote, the Chair must exercise a casting vote.

Explanatory note:

In accordance with Section 61(6) of the Local Government Act 2020, the Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors. In the event of a tied vote on these circumstances, the matter is to be determined by lot.

70. By Show of Hands

Voting on any matter is by show of hands.
71. Procedure for a Division

(1) Immediately after any question is put to a Meeting and before the next item of business has commenced, a Councillor may call for a division.

(2) When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, Motion or amendment.

(3) When a division is called for, the Chair must:

   (a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The Chair must then state, and the Chief Executive Officer or any Authorised Officer must record, the names of those Councillors voting in the affirmative; and

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

72. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

(1) a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the Minutes or a register maintained for that purpose; or

(2) foreshadowing a Notice of Rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded.

**Explanatory note:**

For example, Rule 73 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a Notice of Rescission to rescind that resolution.

Equally, Rule 73 would permit discussion about a matter which would otherwise be left in limbo because a Notice of Rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule (2), to discussion about a positive Motion were a resolution has just been rescinded.
Division 12 – Minutes

73. Confirmation of Minutes

(1) At every Council Meeting the Minutes of the preceding Meeting(s) must be dealt with as follows:

(a) a copy of the Minutes must be delivered to each Councillor no later than 48 hours before the Meeting;

(b) if no Councillor indicates opposition, the Minutes must be declared to be confirmed;

(c) if a Councillor indicates opposition to the Minutes:

(i) he or she must specify the item(s) to which he or she objects;

(ii) the objected item(s) must be considered separately and in the order in which they appear in the Minutes;

(iii) the Councillor objecting must move accordingly without speaking to the Motion;

(iv) the Motion must be seconded;

(v) the Chair must ask:

"Is the Motion opposed?"

(vi) if no Councillor indicates opposition, then the Chair must declare the Motion carried without discussion and then ask the second of the questions described in sub-Rule (c)(xi);

(vii) if a Councillor indicates opposition, then the Chair must call on the mover to address the Meeting;

(viii) after the mover has addressed the Meeting, the seconder may address the Meeting;

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

(x) if, after the mover has addressed the Meeting, the Chair invites debate and no Councillor speaks to the Motion, the Chair must put the Motion; and
(xi) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the Minutes be confirmed" or

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

and he or she must put the question to the vote accordingly;

(d) a resolution of Council must confirm the Minutes and the Minutes must, if practicable, be signed by the Chair of the Meeting at which they have been confirmed;

(e) the Minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and

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

74. No Debate on Confirmation of Minutes

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

75. Deferral of Confirmation of Minutes

Council may defer the confirmation of Minutes until later in the Council Meeting or until the next Meeting if considered appropriate.

76. Form and Availability of Minutes

(1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Meeting and to take the Minutes of such Meeting) must keep Minutes of each Council Meeting, and those Minutes must record:

(a) the date, place, time and nature of the Meeting;

(b) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

(c) the names of the members of Council staff present;

(d) any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;

(e) arrivals and departures (including temporary departures) of Councillors during the course of the Meeting;
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(f) each Motion and amendment moved (including Motions and amendments that lapse for the want of a seconder);

(g) the vote cast by each Councillor upon a division;

(h) the vote cast by any Councillor who has requested that his or her vote be recorded in the Minutes;

(i) questions upon notice;

(j) the failure of a quorum;

(k) any adjournment of the Meeting and the reasons for that adjournment; and

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

(2) The Chief Executive Officer must ensure that the Minutes of any Council Meeting are:

(a) published on Council’s website; and

(b) available for inspection at Council’s office during normal business hours.

(3) Nothing in sub-Rule (2) requires Council or the Chief Executive Officer to make public any Minutes relating to a Council Meeting or part of a Council Meeting closed to members of the public in accordance with section 66 of the Act.

77. Recording of Meetings

(1) The Chief Executive Officer, or his/her delegate may record the Meetings via webcast camera and audio all proceedings of a Council Meeting, Special Council Meeting or a Delegated Committee Meeting except where the Meeting is closed to the public in accordance with Section 66(2)(e) of the Local Government Act 2020.

(2) Recordings of proceedings will be retained and available to the public for viewing or listening for a period of 12 months from the date of the Meeting.

(3) Members of the public are to be advised that the Meeting is being recorded or filmed and may be streamed live and as an archive on Council’s website. Members of the public are to be advised by appropriate signage that while care is taken through filming to maintain a person’s privacy as an attendee in the gallery, they may be recorded on camera and audio.

(4) Subject to part 1 above, members of the public must not operate photographic, audio or video recording equipment or any other recording device that may disrupt the Meeting proceedings.
Division 13 – Behaviour

78. Display of Placards and Posters

(1) A person must not display any placards or posters in the Council Chamber or in any building where a Council Meeting or a Delegated Committee Meeting is being or about to be held, other than outside the entrance to the building and even then only if it does not obstruct the entrance of the building.

(2) A person must not:

(a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or

(b) obstruct the entrance to the Council Chamber or a building where a Council Meeting or a Delegated Committee Meeting is being or about to be held.

79. Public Addressing the Meeting

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

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

(3) A member of the public present at any Meeting of Council must not disrupt the Meeting.

80. Chair May Remove

The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any Meeting or fails to comply with a direction given under sub-Rule 79(2).

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

81. Chair May Adjourn Disorderly Meeting

If the Chair is of the opinion that Disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, he or she may adjourn the Meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 18(2) and 18(3) apply.
82. Removal from Chamber

The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the Chair has ordered to be removed from the gallery under Rule 81.

Division 14 – Additional Duties of Chair

83. The Chair’s Duties and Discretions

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

1. must not accept any Motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;

2. may demand retraction of any inappropriate statement or unsubstantiated allegation;

3. must ensure silence is preserved in the public gallery during any Meeting;

4. must call to order any member of the public who approaches the Council or Committee table during the Meeting, unless invited by the Chair to do so; and

5. must call to order any person who is disruptive or unruly during any Meeting.
Division 15 – Suspension of Standing Orders

84. Suspension of Standing Orders

(1) To expedite the business of a Meeting, Council may suspend standing orders.

Explanatory note:
The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure.

Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.

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

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

(3) No Motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.

(4) Once the discussion has taken place and before any Motions can be put, the resumption of standing orders will be necessary. An appropriate Motion would be:

"That standing orders be resumed."
Division 16 – Miscellaneous

85. Meetings Conducted Remotely

If:

(1) by law a Meeting may be conducted electronically; and

(2) Council decides that a Meeting is to be conducted electronically,

the Chair may, with the consent of the Meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the Meeting.

86. Procedure Not Provided in this Chapter

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

87. Criticism of Members of Council Staff

(1) The Chief Executive Officer may make a brief statement at a Council Meeting in respect of any statement by a Councillor made at the Council Meeting criticising him or her or any member of Council staff.

(2) A statement under sub-Rule (1) must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.
CHAPTER 3 – MEETING PROCEDURE FOR DELEGATED COMMITTEES

1. Meeting Procedure Generally

If Council establishes a Delegated Committee:

1.1 all of the provisions of Chapter 2 apply to Meetings of the Delegated Committee; and

1.2 any reference in Chapter 2 to:

1.2.1 a Council Meeting is to be read as a reference to a Delegated Committee Meeting;

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

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

2. Meeting Procedure Can Be Varied

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

2.1 Council may; or

2.2 the Delegated Committee may, with the approval of Council

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

3. Adoption Of Recommendation

3.1 If a recommendation of a Delegated Committee is adopted by Council, what has been recommended becomes a resolution of Council.
CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

Explanatory note:

The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties and functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

Section 65 of the Local Government Act provides: Community Asset Committee

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

Delegation of Powers, Duties or Functions to a Community Asset committee is provided for in Section 47 of the Act which provides:

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to

(a) a member of Council staff; or

(b) the members of a Community Asset Committee.

This means Council may not delegate directly to a Community Asset committee.

1. Introduction

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

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a Meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.
CHAPTER 5 – MEETING PROCEDURE FOR ADVISORY COMMITTEES

Explanatory note:
Advisory Committees play a key role in connecting community views and expert with the decision-making processes of Council. These committees provide advice to Council and to Council officers exercising delegation to make decisions or implement policy.

These committees usually comprises of community members and Councillors, and may sometimes include representatives of community organisations. These committees are essential forums to provide input to the development of Council policy and decision making in their area of focus.

Reporting of these committees to Council is a transparency mechanism.

1. Meeting Procedure Generally

If Council establishes an Advisory Committee:

1.1 all of the provisions of Chapter 2 apply to Meetings of an Advisory Committee; and

1.2 any reference in Chapter 2 to:

1.2.1 a Council Meeting is to be read as a reference to an Advisory Committee Meeting;

1.2.2 a Councillor is to be read as a reference to a member of an Advisory Committee; and

1.2.3 the Mayor is to be read as a reference to the Chair of the Advisory Committee.

2. Meeting Procedure Can Be Varied

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

2.1 Council may; or

2.2 the Advisory Committee may, with the approval of Council

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

3. Adoption Of Recommendation

3.1. If a recommendation of an Advisory Committee is adopted by Council, what has been recommended becomes a resolution of Council.

3.2. Minutes of Advisory Committees will be presented to Council for adoption. Recommendations or decisions contained in such Minutes will not become resolutions of Council unless the matter is the subject of a separate resolution of Council.
CHAPTER 6 – MEETING PROCEDURE FOR JOINT COUNCIL MEETINGS

Explanatory note:
Local and regional collaboration provides benefits to the Bayside community through collection procurement opportunities, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it is possible for the participating Councils to hold their own decisions and determination, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for the Act.

(1) Council may resolve to participate in a Joint Council Meeting.

(2) If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.

(3) Where the participating Councils agree that Council will chair a Joint Council Meeting, the Mayor will be nominated to chair the Joint Council Meeting.

Section 62 Local Government Act 2020 – Joint Meetings of Council

(1) Two or more Councils may determine to hold a Joint Meeting.

(2) A joint Meeting is a Council Meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3),(4) and (5)(d), apply accordingly.

(3) A joint Meeting is to be constituted by the Councillors of the Council holding the joint Meeting consisting of:
   (a) The total number of Councillors determined by the Councils holding the joint Meeting; and
   (b) At least 3 Councillors from each of the Councils holding the joint Meeting.

(4) A quorum of a joint Meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint Meeting.
CHAPTER 7 – DISCLOSURE OF CONFLICT OF INTEREST

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the Local Government Act 1989 being repealed.¹

2. Definition

In this Chapter:

2.1 'Meeting conducted under the auspices of Council' means a Meeting of the kind described in section 131(1) of the Act, and includes a Meeting referred to in Rule 1 of Chapter 6 and in Chapter 8 (whether such a Meeting is known as an 'Advisory Committee' or 'Councillor Briefing' or by some other name); and

2.2 a member of a Delegated Committee includes a Councillor.

3. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council Meeting at which he or she:

3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council Meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council Meeting commences a written notice:

3.2.1 advising of the conflict of interest;

3.2.2 explaining the nature of the conflict of interest; and

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

(a) name of the other person;

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

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

and then immediately before the matter is considered at the Meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

¹At the time of making these Rules the date on which Division 1A of Part 4 of the Local Government Act 1989 is expected to be repealed is 24 October 2020.
4. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee Meeting at which he or she:

4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Delegated Committee Meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

4.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee Meeting commences a written notice:

4.2.1 advising of the conflict of interest;

4.2.2 explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest; and

4.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee’s relationship with or a gift from another person the:

(a) name of the other person;

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

4.2.4 nature of that other person’s interest in the matter;

and then immediately before the matter is considered at the Meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The member of a Delegated Committee must, in either event, leave the Delegated Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Meeting until after the matter has been disposed of.
5. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee Meeting at which he or she:

5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee Meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

5.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee Meeting commences a written notice:

5.2.1 advising of the conflict of interest;

5.2.2 explaining the nature of the conflict of interest; and

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

(a) name of the other person;

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

5.2.4 nature of that other person’s interest in the matter;

and then immediately before the matter is considered at the Meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Committee Asset Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Meeting until after the matter has been disposed of.

6. Disclosure at a Meeting Conducted Under the Auspices of Council (Advisory Committees)

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

6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Meeting immediately before the matter is considered;

6.2 absent himself or herself from any discussion of the matter; and

6.3 as soon as practicable after the Meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the Meeting.
7. Disclosure by Members of Council Staff Preparing Reports for Meetings
   7.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:
      7.1.1 Council Meeting;
      7.1.2 Delegated Committee Meeting; or
      7.1.3 Community Asset Committee Meeting,
     must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest.

    7.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

    7.3 If the member of Council staff referred to in sub-Rule 7.1 is the Chief Executive Officer:
       7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the Mayor; and
       7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power
   8.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest.

   8.2 If the member of Council staff referred to in sub-Rule 8.1 is the Chief Executive Officer the written notice must be given to the Mayor.

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

   9.2 If the member of Council staff referred to in sub-Rule 9.1 is the Chief Executive Officer the written notice must be given to the Mayor.

10. Retention of Written Notices
    The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.
CHAPTER 8 – MISCELLANEOUS

1. Informal Meetings of Councillors

   Introduction: This Chapter describes the nature and procedure for some informal Meetings of Councillors.

   Councillors meet on a number of occasions monthly at ‘Councillor Briefings and Strategic Issues Discussions’. This Chapter provides for those informal Meetings, and explains why and how they are held.

   Discussion arrangements

   As part of Council’s governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a ‘Councillor Briefing or Strategic Issues Discussion’ or such other names as Council from time to time adopts.

   1.1 The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both Council staff and Councillors develop better understanding of the matter for consideration. The Strategic Issues Discussion is similar to a briefing but also provides greater opportunity to develop ideas and discuss options on a range of matters.

   1.2 The gatherings are not a decision-making forum.

   1.3 The gatherings are not open to the public and will generally be held in the Corporate Centre or in such other locations as Council nominates from time to time.

   1.4 The operating Meeting protocols and arrangements in relation to these gatherings will be reviewed from time-to-time and be subject to resolution of Council.

   Record of matters discussed

   If there is a gather or meeting of Councillors that:

   1.5 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;

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

   1.7 is not a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting or Advisory Committee meeting

   the Chief Executive Officer must ensure that a summary of the matters discussed at the gathering or meeting are:

   (a) tabled at the next convenient Council Meeting; and

   (b) recorded in the Minutes of that Council Meeting.
2. **Confidential Information**

2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the Chief Executive Officer is of the opinion that information relating to a Meeting is confidential information within the meaning of the Act, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

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

3. **Review of these Rules**

3.1 These rules will be reviewed by Council:

(a) Within 12 months of a general election; and

(b) At such other times as Council, in its absolute discretion, determines.

3.2 A delay in reviewing, or failure to review, these Rules in accordance with this Rule will not affect the validity of these Rules.

4. **COVID-19 pandemic and other emergencies of a similar nature**

4.1 Council may, by resolution:

(a) suspend or limit the operation of part or whole of; and/or

(b) make alternative arrangements to give effect to

Public Participation at Council Meetings and Public Question Time at Council Meetings, provided that such suspension or limitation is necessary to:

(i) protect Councillors, employees or the public consistent with state or federal government guidelines or public health considerations; or

(ii) otherwise to comply with relevant laws, regulations or instruction from relevant authorities in the event of an emergency.

4.2 If Council makes a resolution described in Sub-Rule 4.1:

(a) the circumstances justifying the resolution must be clearly detailed in the Minutes of the Meeting; and

(b) the suspension, limitations or alternative arrangement must be reviewed within six months.
CHAPTER 9 – USE OF COUNCIL’S COMMON SEAL

Explanatory note:
The purpose of this Section is to provide for the security and proper use of the Common Seal. The Common Seal is the corporate signature of Council, and exists in the form of a stamp. It evidences Council’s corporate will and authenticates decisions taken and acts performed by Council.

As many of the powers, duties and functions of Council are delegated to the Chief Executive Officer and other members of Council staff, the Common Seal of Council is only use on legal documents such as local laws, contracts, agreements, transfer of land, significant letters, and other documents where required by legislation or where

(1) The Chief Executive Officer must ensure the security of the Common Seal at all times.

(2) The affixing of the Common Seal to any document must be attested to by not less than two persons, comprising both:

   (a) the Mayor and Chief Executive Officer; or

   (b) in the absence of the Mayor, by one Councillor and the Chief Executive Officer or a member of Council staff delegated this function by Council.

(3) Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must record the description of the document sealed is entered into the seal register.

(4) Where the Common Seal is affixed to a document on the authority of Council, the sealing clause must contain the following words:

   The Common Seal of BAYSIDE CITY COUNCIL
   was affixed this ..... (no. of day) .................... (month)
   ..................... (year) in the presence of:

   .............................................................................. Mayor/Councillor

   .............................................................................. Chief Executive Officer
CHAPTER 10 – COUNCIL RECORDS

10.1 Records of Meetings held under the auspices of Council

(1) A record of the matters discussed at Meetings organised or hosted by Council that involve Councillors and Council staff will be kept.

(2) Records kept in accordance with sub-Rule (1) will include:
   (a) the attendees at the Meeting
   (b) the title of matters discussed
   (c) any conflicts of interest disclosed and whether the person with the conflict of interest left the Meeting.

(3) Where Minutes are kept of a Meeting and made available to the community an additional record is not required to be kept.

Section 131 of the Local Government Act 2020

Provides that in respect of a conflict of interest of a matter at a Meeting conducted under the auspices of the Council that is not a Meeting specified in section 130(1)(a), (b) or (c):

(2) A Councillor who has a conflict of interest in respect of a matter must:
   (a) Disclose the conflict of interest in the manner required by the Council’s Governance Rules; and
   (b) Comply with the procedures specified in the Council’s Governance Rules for the purposes of this section

(3) If a Councillor fails to comply with subsection (2), an application may be made under section 154 to a Councillor Conduct Panel alleging serious misconduct

"Under the auspices of Council" is taken to mean in any way resourced by Council

10.2 Councillor attendance records

(1) Council will maintain a register of Councillor attendance at Council Meetings, Delegated Committee Meetings and Meetings arranged to brief Councillors.

(2) The register of Attendance kept in accordance with sub-Rule (1) will be published on Council’s website.
CHAPTER 11 – ELECTION PERIODS

Explanatory note:

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council doesn’t print, publish or distribute any material that may influence the outcome of the election.

Additionally, the Election Period Policy addresses Councillors and staff standing as candidates in Council, State or Federal elections.

11.1 Election Periods Generally

(1) Council will have in place an election period policy that:

(a) governs decision making during a local government election period, including what may be considered at a Council Meeting;

(b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;

(c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committee established by Council;

(d) sets out the requirements for any Council publications during a local government election period – including website, social media, newsletter and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;

(e) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and

(f) sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.

(2) 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.

(3) The Election Period Policy forms part of these Governance Rules.

(4) The operation of Council Advisory Committees shall be suspended upon the commencement of an election period ahead of a general Council election.

(5) Any outstanding Delegate’s Reports my still be reported to an Ordinary Meeting of Council during this period.

(6) Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.
Section 69 of the Local Government Act 2020 provides:

(1) A Council must include an election period policy in its Governance Rules.

(2) An election period policy must prohibit any Council decisions 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 proceeding 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.

(3) An election period policy must prohibit any Council decision during the election period for a general election or a 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.

Refer to Council adopted Election Period Policy over the page.
Council Policy

Election Period Policy

For 2020 General Elections

Adopted by Council at its meeting held on 28 July 2020
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Attachments
Form 1  Request for Chief Executive Officer to certify material
Form 2.  Chief Executive Officer certification
Form 3  Election Period Certification Procedure

Appendices
Appendix 1  Council publications and resources during the Election Period
Council policy title: Election Period Policy
Council policy ref no: C/POL/COR/026 (TRIM REF: DOC/20/151848)
Council policy owner: Director Corporate Services
Adopted by: Bayside City Council
Date adopted: 28 July 2020
Scheduled review: July 2024

Summary of Policy

Mandatory by legislation
- Election Period (Caretaker Period) is from 12.00pm 22 September 2020 until 6.00pm 24 October 2020.
- No Council decision relating the appointment or remuneration of the Chief Executive Officer during this period.
- No Council decision to commit 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 during this period. (this means no expenditure where the total value exceeds $955,000.
- Council reasonably consider deferring prohibited decisions until the next Council is in place.
- Any other matter that the Council considers should not be made during the period.
- No Council decision can be made during this period that would enable the use of Council’s resources in a way that is intended to influence, or is likely to influence, voting at the election.

Mandatory by Council Policy
- All public consultation likely to be conducted during the election period must have prior approval from the Chief Executive Officer.
- Council events may occur during this period, however Councillors have no role to play in these events.
- All Council publications are subjected to a certification process.
- Councillors not must use any Council resources including Council staff for any electoral purpose.
- All reports to Council and Committee must include a certification statement.

1. Policy intent
The period preceding elections is defined in the Local Government Act 2020 (the Act) as the “Election Period”. Section 69 of the Act requires Council to develop, adopt and keep an Election Period Policy and to be included in Council’s Governance Rules.

Section 69 of the Act defines certain prohibitions during the Election Period which apply to the functions and powers of a Council as it enters into the “caretaker” period, while ensuring that the normal business of government continues and Council meets its responsibilities to the community.

The intent of this policy is to clearly articulate how the business of Council will function during the legislated Election Period commencing on the last day of nominations and continues until 6.00pm on the Election Day, a period of 32 days.
2. Purpose/Objective
The purpose of this Election Period Policy is to address the requirements of the Act regarding the responsibilities, actions and behaviours of the Council in the period leading up to a general elections.

The objective of the policy is to ensure that the ordinary business of local government in the City of Bayside continues throughout the election period in a responsible and transparent manner, and in accordance with the legislated requirements.

This policy prescribes actions and procedures the organisation will implement in observance of statutory requirements and established election period conventions in the interests of ensuring a fair election generally during the election period. This policy builds on the minimum statutory standards to enhance the accountability of the Council, Councillors and Council staff during the election period.

3. “Election” Period
The election period is defined within Section 3 of the Local Government Act 2020 and commences on the last day on which nominations for an election can be received and ends at 6:00pm on Election Day. For the purpose of this policy the period is from 12:00pm on 22 September 2020 to 6:00pm on 24 October 2020.

4. Scope
The scope of this policy applies to Councillors and Council staff during the Election period to:
- Prevent inappropriate decisions and misuse of resources;
- Limit public consultation and council events; and
- Provide equitable access to council information
- Prohibition on Council

The Election Period Policy has been developed in order to ensure that the general elections for the Bayside City Council on Saturday 24 October 2020 and any subsequent elections are conducted in a manner that is ethical, fair and equitable and is publicly perceived as such.

5. Accountability

5.1 Council
Council will function in accordance with this Election Period Policy during the election period.

5.2 Responsibility of Councillors
Councillors need to be mindful of their responsibilities in relation to improper use of their position as outlined in the Act. Section 123 and 124 of the Act prohibit Councillors from intentionally misusing or inappropriately making use of their position to:
- Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- Cause, or attempt to cause, detriment to the Council or another person.
5.3. **Role of the Chief Executive Officer (CEO)**

The Chief Executive Officer or delegate will ensure, that all Councillors receive a copy of this as soon as practicable, after the Council adoption of the policy, and staff are informed of the application of this policy at least 30 days prior to the commencement of the election period.

The Chief Executive Officer will issue guidelines to staff on their responsibilities in respect to the implementation of this Policy.

The Chief Executive Officer will ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

The Chief Executive Officer will not include in the order of business for any Ordinary Council or Special Committee meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

6. **Decisions during the Election Period**

Some decision making is impacted during the election period for a general election. Specifically, Prohibited Decisions cannot be made during this period.

The Chief Executive Officer or his delegate will ensure as far as possible, that matters of Council business requiring a decision, what would otherwise be prohibited decisions are scheduled for Council to enable resolution prior to the commencement of the Election Period, or deferred where appropriate for determination by the incoming Council.

**Prohibited Decisions**

Prohibited decisions are specified in section 69(2) of the Act, and decisions made in contravention of this section during the election period are invalid. These decisions relate to:

- a) 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 reasonable deferred until the next council is in place; or
- d) The Council considers should not be made during an election period.

With regard to section 69(2)(d) above, decisions which Council considers should not be made during the election period, this policy nominates significant decisions that significantly affect the municipality or unreasonably bind the incoming Council.

In the case of a decision that significantly affects the municipality or unreasonable binds the incoming Council, a number of factors will need to be considered including:

- Whether the decision is ‘significant’;
- The urgency of the issue (can it wait until after the elections);
- The possibility of financial and/or legal repercussion if it is deferred;
- Whether the decision is likely to be controversial; and
- The best interest of Council.
Some examples include decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan.

The following table illustrates what will constitute Prohibited Decisions:

<table>
<thead>
<tr>
<th>Proposed Council Decision</th>
<th>Is it allowed</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>The appointment or remuneration of the Chief Executive Officer (section 45) Other than the appointment or remuneration of an Acting Chief Executive Officer</td>
<td>No</td>
<td>Prohibited by section 69(2)(a) of the Act.</td>
</tr>
<tr>
<td>Committing the Council to expenditure exceeding 1% of the Council’s income from general rates, municipal charges and service rates and charges in the preceding financial year (estimated at $955k).</td>
<td>No</td>
<td>Prohibited by section 69(2)(b) of the Act.</td>
</tr>
<tr>
<td>A decision which Council considers could be reasonably deferred until the next council is in place.</td>
<td>No</td>
<td>Prohibited by section 69(2)(c) of the Act.</td>
</tr>
<tr>
<td>Significant decisions, being decisions that significantly affect the municipality or unreasonably bind the incoming Council (such as decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan).</td>
<td>No</td>
<td>Prohibited by section 69(2)(d) of the Act.</td>
</tr>
<tr>
<td>A decision that would enable the use of Council’s resources in a way that is intended to influence, or is likely to influence, voting at an election</td>
<td>No</td>
<td>Prohibited by section 69(3) of the Act.</td>
</tr>
</tbody>
</table>

7. **Public Consultation during the election period**

Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action or proposed policy, and includes discussion of that matter with the public.

Public consultation may be undertaken during the Election Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultations will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to affect voting. Council will not continue or commence consultation on any contentious or politically sensitive matter after the date on which nominations close.
The above does not apply to public consultation required pursuant to the Planning and Environment Act 1987 or to matters subject to Section 223 of The Act. Consultation under this statutory provision shall only proceed after express agreement by the relevant Director where it relates solely to the normal day-to-day business of Council, and the consultation is not deemed to be controversial.

All public consultation that is likely to run into the election period must have prior approval from the Chief Executive Officer. Where approved, the results of the consultation will not be reported to Council until after the election period, unless the Chief Executive Officer or nominated delegate decides otherwise.

8. **Council events**
Councillors are able to continue to attend meetings, events and functions during the Election Period which are relevant to the Council and the community. However, Councillors will have no formal role to play at these events.

Council’s annual program of events will continue during the Election Period. However, any publicity must be mindful of the controls on electoral material outlined in this policy.

8.1 **Other Organisation Events**
Councillors are able to attend events or functions conducted by external bodies during the Election Period, however when attending as a representative of Council, Councillors must be mindful that they do not use that opportunity to promote their election campaign.

9. **Council Publications during the election period**
Section 304 of the Act imposes limitations on council publications. This is to ensure that Council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any electoral material during the election period unless the electoral material only contains information about the election process or is otherwise required in accordance with the Act or regulations.

A publication that contains an express or implicit reference to any of the following is taken to be electoral matter:
- the election;
- a candidate in the election (with the exception of Council minutes and agendas);
- an issue submitted to, or otherwise before, the voters in connection with the election;
- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or,
- or publicises the achievements of the elected Council.

Best practice is for Council to avoid all publications activity during the election period except where essential for the conduct of Council operations. Where printing, publishing or distributing a document is deemed essential to Council business during the election period, CEO certification is required for all publications. Publications should be read broadly to include electronic information and web based productions.
10. **Certification Process**
The process for the certification will be as follows:

- When drafting a publication, check and ensure that no election material is present - if uncertain check with the Governance Department.
- All draft publications are to be sent or produced by Communications Department (excluding Job advertisements). They will forward any document for clarification or if material is doubtful to the Governance Department for determination.
- Once the draft is prepared and checked, the document is to be given to the CEO with the wording as per Form 1 attached to this policy.
- The Chief Executive Officer will use the wording in Form 2 attached to this policy to certify the document.

Councillors are however, able to publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or the City of Bayside (eg: by use of Council logo).

The controls do not cover newspaper advertisements which simply announce the holding of a meeting or the election process itself.

An Election Period Certification Procedure is attached to this policy and referred to as Form 3.

11. **Publications**
Any Council publication which is potentially affected by this policy will be reviewed by the Governance Department to ensure that any circulated, displayed or otherwise publicly available collateral during the election period does not contain material that may be construed as “electoral matter”.

Existing publications, including material published on Council’s website in advance of the election period, are not subject to certification requirements.

Council will review all its public collateral available from the Corporate Centre, branch libraries and Maternal Child Health Centres and remove any which might contain electoral matter prior to the election period.

Any reference to Councillors in Council publications printed, published or distributed during the election period must not include promotional text or express personal views and opinions.

A summary of Council publications and resources during the election period is attached to this policy.

12. **Let’s Talk Bayside**
Council will cease publication of Let’s Talk Bayside and any similar publication during the election period.
13. **Website**
During the Election Period Council’s website will not contain material which is precluded by this policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process. Information about Councillors will be restricted to the names of the elected representatives and contact details and committee or other bodies Councillors have been appointed to by the Council. There will be no biographies or policy statements.

Council agendas and minutes of meetings do not require certification if published in the usual way on the website.

14. **Social Media**
Council has a number of social media sites including Twitter, Instagram, Facebook and YouTube. Council’s Communication and Engagement Department will continue to monitor Bayside City Council corporate Facebook, Instagram sites and twitter feeds.

During the Election Period, Bayside City Council will continue to maintain a social media presence. All publication of postings on social media sites will require certification by the Chief Executive Officer prior to the posting being active. Council social media tools must not be used for election campaigning.

The ability for members of the public to post comments on Council’s social media sites will continue during the election period. During this period monitoring of the social media channels will extend to afterhours and weekends and will be undertaken by the Communications and Engagement Department, who will have editing access to delete any material posted on Facebook and Twitter that make reference to following:

- Content posted by a candidate irrespective of content
- Content that makes reference to a candidate; or
- The 2020 election – unless it is a query about the election process itself.

During the Election Period, no new imagery or text of Councillors and their activities will be posted.

15. **Annual Report**
Council is required by the Act to produce and put on display a copy of its Annual Report. The 2019/20 Annual Report will be published during the Election Period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors. This publication is not considered an ‘advertisement, handbill, pamphlet or notice’ and does not require certification.

The annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.
16. **Council and Delegated Committee Meetings**

Council is required by the Act to:
- Give public notice of Council meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of Council meetings and Delegated Committee meetings.

Agenda papers and minutes of Council and Delegated Committee meetings therefore do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

17. **Photo boards**

Public photo boards containing photographs of current Councillors on display at Council premises will be removed during the election period. Councillors must not use existing Council photographs as part of their election material.

18. **Publicity**

It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way that might influence the outcome of a Council election.

During the Election Period, no Council employee may make any public statement that could be construed as influencing the election, or make political statements during the Election Period. This does not include statements of clarification that are approved by the Chief Executive Officer or nominated delegate.

During the Election Period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer or nominated delegate. In any event Council publicity during the Election Period will be restricted to promoting normal Council activities, and no Council funded publicity will feature Councillors excluding the Mayor when representing Council in an official capacity.

19. **Media Advice**

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer, or the Chief Executive’s designated delegate. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves Councillors.

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

20. **Media releases /spokesperson**

Media releases will not refer to a Councillor or Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will determine the appropriate person.
21. **Speeches**
Any publication or distribution of a Councillor or Mayoral speeches by the Council must be subject to the certification process. Council staff must be mindful when preparing speeches and should ensure that speeches contain a short welcome, and should not contain any express or implied reference to the election.

22. **Title of Councillor**
Councillors may use the title "Councillor" in their election material, as they continue to hold that position during the election period. To avoid confusion, Councillors should be advised to ensure that any election publication using the title "Councillors" clearly indicates that it is their own material and does not represent Council.

23. **Council Resources**
In accordance with Section 304 of the Act the Council will ensure that due probity is observed in the use of all Council resources during the Election Period, and Council staff are required to exercise appropriate discretion in that regard.

Council resources, (including offices, meeting rooms, support staff, hospitality services, equipment electronic devices, (ipad, mobile phones, stationery and mayoral vehicle) must not be used in connection with any election campaign during the Election Period.

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 Chief Executive Officer or the Chief Executive Officer’s delegate.

Reimbursements of Councillor’s out-of-pocket expenses during 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.

No member of Council staff, including the Executive Assistant to the Mayor and Governance staff will be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

No Council logos, publications, letterheads, or other Bayside City Council branding will be used for, or linked in any way to, a candidate’s election campaign.

Officers are unable to assist in preparing Councillor election material or using their media contacts.

Councillors must ensure that they comply with the requirements of the Act in respect to election material and the necessary registration and endorsements from the Returning Officer.

Mobile phone costs associated with electioneering will not be paid by Council. Councillors standing as candidates must ensure that the Council provided mobile phone is not used for electioneering purposes.
24. **Public Question Time at Ordinary Meetings of Council**
In accordance with Council adopted Governance Rules any questions to the Council from the public relating to electoral matter during an election period will not be considered at any Council meeting.

25. **Election Period Statement – Reports to Ordinary Meetings of Council, Special Meetings of Council and Planning and Amenity Committee.**
Given Council will continue to hold an Ordinary Meeting of Council, Planning and Amenity Committee meeting and a Special Meeting of Council during the Election Period, and in order to facilitate compliance with its commitment to ensuring appropriate decision-making during the Election Period, Council adopts the following procedure.

**Procedure**
- During the Election Period, the Chief Executive Officer will ensure that an Election Period Statement is included in every report submitted to a meeting of Council or Delegated Committee (if required) for a decision specifying the following:
  - The recommended decision is not a "Prohibited Decision" as defined in section 69(2) of the Local Government Act 2020 or a "Significant Decision" within the meaning of this policy.

During the Election Period, the Council will not make a decision on any matter or report that does not include one of these Election Period Statements.

26. **Information**
The Council recognises that all election candidates have certain rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the Election Period.

Information and briefing material prepared by staff or the Contractor conducting the elections on behalf of Council, during the Election Period will relate only to factual matters or to existing Council services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate’s election campaign.

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or where the matter is outside the responsibility of the Returning Officer, to the Chief Executive Officer or nominated delegate.

27. **Information Register**
An Information Request Register will be maintained by the Governance Department during the Election Period. This Register will be a public document that records all requests for information by Councillors and Candidates, and the responses given to those requests.
28. **Equal accessibility to information for Candidates**
The Council affirms that all candidates for the Council election will be treated equally.

To ensure all candidates have equal access to information held by Council during the election, where a request for information is granted by the Chief Executive Officer as recorded in the Information Request Register it will be made publicly available on Council’s website for all candidates to access on a separate web page headed Candidates Information.

29. **Assistance to Candidates**
All election related enquiries from candidates, whether sitting councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

30. **Council Staff becoming a candidate for an election**
Upon becoming a candidate in a Bayside City Council election, the Council staff member must:
- Inform the Chief Executive Officer
- Take leave from their duties at least for the duration of the election period in accordance with the Act;
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers) documents or information that is not available to the public at least for the duration of the election period; and
- If elected, immediately resign from their employed position at council, in accordance with the Act.

31. **Members of Council Advisory Committee or other Committees**
Upon becoming a candidate, any person who is a member of one of Council’s advisory or other committees is expected to:
- Comply with this policy;
- Inform the Chief Executive Officer;
- Take leave from the Advisory Committee or other Committees;
- Return any council equipment, documents or information which is not available to the public for the duration of their candidacy and/or the election period; and
- If elected, immediately resign from the Advisory Committee or other Committee.

32. **Advertising signage on Council-controlled Land**
Candidates and their supporters are not permitted to affix, attach or place advertising signs on Council-controlled land or a Council road during election campaigns including during the election period.

33. **Breaches**
Section 123 of the Local Government Act 2020 prohibit Councillors from misusing or inappropriately making use of their position. A breach of section attracts serious penalties, including possible imprisonment. Allegations of breaches of the Local Government Act are independently received and investigated by the Local Government Inspectorate.
34. Councillor Code of Conduct
Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct including, where necessary the appointment of an external arbiter.

35. Authority
The Chief Executive Officer or his delegate will be responsible for the enforcement of this policy.

36. Related documents

<table>
<thead>
<tr>
<th>Acts</th>
<th>Local Government Act 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td></td>
</tr>
<tr>
<td>Procedures</td>
<td>Councillor Code of Conduct</td>
</tr>
</tbody>
</table>

37. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate</td>
<td>Means a person who has:</td>
</tr>
<tr>
<td></td>
<td>• Publicly expressed an intention to run as a candidate in the election; and/or</td>
</tr>
<tr>
<td></td>
<td>• A person who has formally nominated as a candidate in the election with the Returning Officer.</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>Means:</td>
</tr>
<tr>
<td></td>
<td>• The person appointed by a Council to be its Chief Executive Officer or any person acting in that position; and/or</td>
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<tr>
<td></td>
<td>• The Chief Executive Officer’s delegate pursuant to section 44 of the Act; and/or</td>
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<tr>
<td></td>
<td>• Such other person that the Chief Executive Officer selects for the purpose of giving effect of this Policy.</td>
</tr>
<tr>
<td>Council</td>
<td>Means Bayside City Council.</td>
</tr>
<tr>
<td>Council-controlled land</td>
<td>Means any land which Council, owns, occupies, manages, has leased or licensed to another person or is otherwise under Council’s control and management, other than a road.</td>
</tr>
<tr>
<td>Councillors – Candidate</td>
<td>Means a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections.</td>
</tr>
<tr>
<td>Election Period</td>
<td>In relation to an election, means the period that - starts on the last day on which nominations for that election can be received; and ends at 6 p.m. on election day.</td>
</tr>
<tr>
<td>Election</td>
<td>The term election covers both general and by-elections</td>
</tr>
<tr>
<td>Electoral matter</td>
<td>Is broadly defined as any matter which is “intended or likely to affect voting in an election”</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Electoral advertisement, handbill, pamphlet or notice</td>
<td>Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;</td>
</tr>
<tr>
<td>Minister</td>
<td>Refers to the Minister for Local Government</td>
</tr>
<tr>
<td>Printed electoral material</td>
<td>Means an advertisement, handbill, pamphlet or notice that contains electoral matter and includes social media</td>
</tr>
<tr>
<td>Prohibited Decision</td>
<td>Means any decision relating to the following:</td>
</tr>
<tr>
<td></td>
<td>a) The appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or</td>
</tr>
<tr>
<td></td>
<td>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</td>
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<tr>
<td></td>
<td>c) The council considers could be reasonable deferred until the next council is in place; or</td>
</tr>
<tr>
<td></td>
<td>d) The Council considers should not be made during an election period.</td>
</tr>
<tr>
<td>Publishing</td>
<td>Means to publish by any means, including publishing on the Internet.</td>
</tr>
<tr>
<td>Publication</td>
<td>Means a written document in hard copy or electronic copy.</td>
</tr>
<tr>
<td>Significant Decisions</td>
<td>Means a decision relating to the following: decisions that significantly affect the municipality or unreasonably bind the incoming Council (such as decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan).</td>
</tr>
<tr>
<td>The Act</td>
<td>This refers to the Local Government Act 2020.</td>
</tr>
</tbody>
</table>
Request for Chief Executive Officer to certify material

**Certification of Material**

This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge in accordance with the section 303 of the Local Government Act 2020.

………………………………………..  …………………………………

Name                                      Signature

………………………………………..  …………………………………

Name                                      Signature

………………………………………..

Date

**Chief Executive Officer certification**

**Certification of Material**

I certify that the attached material is suitable for printing, publishing or distributing on behalf of Bayside City Council in accordance with Section 303 of the Local Government Act 2020.

…………………………………………  ……………………………

Mick Cummins                                      Date

Chief Executive Officer
FORM 3

Election period Certification Procedure

Operation

This procedure applies during the Election Period (ie from 12 noon on 22 September 2020 until 6.00pm on Saturday 24 October 2020). This procedure is to be used for certifying any publication pursuant to Section 69(2) of the Local Government Act 2020.

Background

All requests for advertisements or publications during the Election Period must be certified by the Chief Executive Officer, to confirm that they do not contain election material, prior to being printed or published or distributed.

Definitions:

“Publication” means any advertisement, pamphlet, handbill, press release notice or similar.

Process

1. **All publications during the Election Period must** be forwarded to the Governance Department, so that arrangements for certification can be made.

   If there is any doubt about whether the material is subject to the procedure, it should be forwarded to Governance for clarification.

   The Governance Department together with the Manager Communications and Engagement will read the proposed publication and check that no election material is present (unless it is factual election process information).

2. Once the publication has been checked, complete FORM 1 and certification page to the front of the publication. Completion of FORM 1 indicates the publications is ready for certification by the CEO.

   Forward the publication together with attached certification page to the Chief Executive Officer to arrange for the standard certification to be used by the Chief Executive Officer for certification purposes. Refer to wording as specified on FORM 2.

3. Once certification by the CEO has been provided, the publication author will be advised and receive a copy of the certification. The publication will not be returned.

   The original document together with the certification application will be placed in a folder for record keeping.
Appendix 1

Council publications and resources during the election period.

<table>
<thead>
<tr>
<th>Publications</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council advertisements, handbills, pamphlets and notices must be certified</td>
<td>Council should ensure that Council resources including staff are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in court.</td>
</tr>
<tr>
<td>by the CEO during an election period. Penalties apply to the certification,</td>
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<tr>
<td>printing, publishing or distribution of such documents containing electoral matter.</td>
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</tr>
<tr>
<td>Annual Report</td>
<td>Section 131(6) of the Local Government Act 1989 requires Council to normally submit its Annual Report to the Minister no later than 30 September each year.</td>
</tr>
<tr>
<td>The Annual Report is required by legislation and would not normally be</td>
<td>This is a proper use of Council resources.</td>
</tr>
<tr>
<td>considered an “advertisement, handbill, pamphlet or notice”. It should not require certification.</td>
<td>Note: Section 131(6) of the 1989 is Act is repealed on 24 October 2020</td>
</tr>
<tr>
<td>However, the annual report must not include material that is electioneering or</td>
<td></td>
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<tr>
<td>that publicises the attributes or achievements of individual Councillors.</td>
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<tr>
<td>In addition, if Council will be printing or distributing a greater number of copies of the annual report than usual, it may be regarded as a pamphlet and should be subject to certification by the CEO.</td>
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<tr>
<td></td>
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</tr>
<tr>
<td>Annual Report summary</td>
<td>Council resources should not be used to produce or distribute any summary of an Annual Report during the election that would be regarded as electoral material.</td>
</tr>
<tr>
<td>Any publication of an extract or summary of the Annual Report is likely to be</td>
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<tr>
<td>regarded as a pamphlet and must be subject to the certification process.</td>
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<tr>
<td>Council and committee Meetings</td>
<td>The conduct of Council meetings as well as the preparation of agenda papers and minutes, is part of normal Council business. It is expected that they would continue to be resourced by the Council administration during an election period.</td>
</tr>
<tr>
<td>Agenda papers and minutes of meetings are not considered advertisements,</td>
<td></td>
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<tr>
<td>handbill, pamphlets or notices and should not require certification.</td>
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<tr>
<td>However, if Council meeting papers are printed or published for a wider</td>
<td></td>
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<tr>
<td>distribution than normal, they should be treated as pamphlets and be subject to the certification process.</td>
<td></td>
</tr>
<tr>
<td>Public Question raised at Ordinary Meetings of Council must not relate to any electoral matter.</td>
<td></td>
</tr>
<tr>
<td>Advertisements and Notices</td>
<td>All Council advertisements and notices must be subject to the certification process during an election period. This excludes job advertisements and various notices, such as Council meetings, and road closures.</td>
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<tr>
<td>----------------------------</td>
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</tr>
<tr>
<td>Web site – new material</td>
<td>Any new material published on the Council’s web site during the election period that may be considered an advertisement, handbill, pamphlet or notice must be subject to the certification process. As noted above, Council agendas and minutes of meetings and full annual reports do not require certification if published in the usual way. Council’s web site should not be used to convey information that could be regarded as electoral material unless it is only about the election process.</td>
</tr>
</tbody>
</table>
| Web site existing material | It is not necessary to certify material that was published on the Council’s web site well before the election period. However it is recommended that web sites be checked at the start of the election period:  
  - Profiles of Councillors who are candidates should be removed from the web site, but not contact details.  
  - Information prominently displayed on the web site that might be regarded as likely to influence how people vote should be removed. Council’s web site should not be used to convey information that could be regarded as electoral material unless it is only about the election process. |
| Social media               | Any publication on social media sites which are auspiced by Council, will be subject to the certification process during the Election Period. Similar requirements apply to Council blog sites. A process is in place to ensure any posting from the organisation to social media is certified where it relates to a change in service provision. The ability for member of the public to post comments on Council’s social media will continue during the election period but will be monitored by Communications & Engagement Department who will the editing access to remove any material posted by the public that is:  
  - Content posted by a candidate irrespective of content Council auspiced social media must not be used for election campaigning. Council will limit access to their social media sites during election period and undertake constant monitoring to ensure no electoral matter is posted. |
## Item 3.1 – Reports by the Organisation

### Special Council Meeting - 25 August 2020

#### Attachment 2

<p>| | |</p>
<table>
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<th></th>
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</thead>
</table>

- Content that makes reference to a candidate; or
- The 2020 election – unless it is a query about the election process itself.

<table>
<thead>
<tr>
<th><strong>Email</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Emails that are part of the normal conduct of Council business should not require certification. However, any emails with multiple addresses, used for broad communication with the community, should be subject to the certification process.</td>
<td>Council email services must not be used for electioneering purposes. If necessary, Councillors should be referred to one or more of the free email providers for private email addresses.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Correspondence</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mass mail outs or identical letters send to a large number of people by or on behalf of Council must be subject to the certification process.</td>
<td>Council staff should not prepare Councillors' private mail or electoral correspondence and such material must not be printed on Council stationary or using Council equipment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Mobile phones</strong></th>
<th></th>
</tr>
</thead>
</table>
| Mobile phone costs associated with electioneering should not be paid by Council. If Councillors are provided with a Council-owned mobile phone, suitable procedures should be put in place. This may involve:  
- Requiring Councillors to use another mobile phone for electioneering; and  
- Monitoring usage and ensure reimbursement by Councillors for personal use is maintained. | |

<table>
<thead>
<tr>
<th><strong>Council offices and libraries</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing documents available to the public at Council offices and libraries do not normally require CEO certification. However, any increase in the availability of a publication should be subject to certification. It is also recommended that staff check material in libraries and offices to make sure that publications including electoral matter are not prominently displayed.</td>
<td>Electoral material, including pamphlets, posters and notes should not be visible or available at any Council premises during an election. The only exception of this is a material issued by the Returning Officer for the purpose of conducting the election.</td>
</tr>
<tr>
<td>Media releases</td>
<td>Media releases should be regarded as documents that require certification by the CEO.</td>
</tr>
<tr>
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<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Council staff must not prepare or assist in the preparation of media releases that contain electoral material. Councillors should be advised that media releases dealing with their election campaign should only be issued privately.</td>
</tr>
<tr>
<td>Events</td>
<td>Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.</td>
</tr>
<tr>
<td></td>
<td>Functions or events for the purpose of electioneering must not be resourced or publicised by the Council. Normal Council events are not prohibited in the election period. However, it is recommended that they be kept to a minimum. Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering.</td>
</tr>
<tr>
<td>Speeches</td>
<td>Any publication or distribution of Councillors’ speeches by the Council must be subject to the certification process.</td>
</tr>
<tr>
<td></td>
<td>Council staff and resources should not be used to prepare or publish speeches that contain electoral matter.</td>
</tr>
<tr>
<td>Title of “Councillor”</td>
<td>Councillors may use the title “Councillor” in their election material, as they continue to hold their positions in the period. To avoid confusion, Councillors should ensure that any election publication using the title “Councillor” clearly indicates that it is their own material and does not represent Council.</td>
</tr>
<tr>
<td>Returning Officer</td>
<td>The election returning officer is a statutory position and does not perform his or her duties on behalf of the Council. Therefore, publications by a VEC Returning Officer do not need certification.</td>
</tr>
</tbody>
</table>
Endorsement

This Election Period Policy has been developed in accordance with the Local Government Act 2020, and was adopted by Council at its meeting on 28 July 2020.

We the undersigned hereby acknowledge that we have individually received a copy of the Election Period Policy, and acknowledge the contents of the policy which will take affect from 22 September to 24 October 2020, and will abide by the contents of the policy during this election period.

(signatures to be inserted when access to Councillors is permissible)

______________________________
Cr Clarke Martin
Mayor

______________________________
Cr Rob Grinter
Deputy Mayor

______________________________
Cr Alex del Porto

______________________________
Cr Michael Heffernan

______________________________
Cr James Long BM, JP

______________________________
Cr Laurence Evans OAM

______________________________
Cr Sonia Castelli

Adopted by Council 28 July 2020.
4. Urgent Business