



City of
KINGSTON

Governance Rules

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 23 September 2023.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	The Common Seal
Chapter 8	Election Period Policy

4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Chief Executive Officer means the Chief Executive Officer of Kingston City Council and includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Kingston City Council.

Council meeting has the same meaning as in the *Act* and includes a *Council meeting* conducted remotely.

Council meeting conducted remotely means a *Council meeting* or a joint meeting of councils which is attended by one or more Councillors by electronic means of communication and conducted in accordance with rule 58 of Chapter 2 of these Rules.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

Mayor means the Mayor of *Council*.

these Rules means these Governance Rules.



City of
KINGSTON

Chapter 1

Governance Framework

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*:

Good Governance Framework

Public Transparency Policy

2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; 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).
- (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.



City of
KINGSTON

Chapter 2

Meeting Procedure for Council Meetings

Chapter 2 – Meeting Procedure for Council meetings

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Part A – Introduction

1. Title

This Chapter will be known as the "Governance Rules".

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

"*absolute majority*" means the number of Councillors which is greater than half the total number of the Councillors of *Council*;

"*abstain*" means where a Councillor present at the meeting does not vote (is taken to have voted against the question);

"*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*;

"*defamatory*" means causing serious harm to a person's or Council's reputation across a broader section of the community.

"*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 *Ordinary Council Meeting*

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

"*Ordinary Council Meeting*" means a *Council Meeting* fixed under Rule 9.

"*Special Council Meeting*" means a *Council Meeting* not fixed by Council under Rule 11

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

- #### 3.2
- 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 election of the *Mayor* will occur at a *Council Meeting* in accordance with the Act, which is known as the *Annual Statutory Meeting*.

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

5. Method of Voting

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

6. Determining the election of the *Mayor*

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

6.2 Nominations do not require seconding.

6.3 The *Chief Executive Officer* shall ask each nominee, other than when self-nominated, if they accept the nomination.

6.4 Once nominations for the office of *Mayor* have been received and accepted, the following provisions will govern the election of the *Mayor*:

6.5 If there is only one nomination:

6.5.1 the candidate nominated must be declared to be duly elected;

6.6 If there are two candidates (or two remaining candidates after the completion of sub-Rule 6.7)

6.6.1 the Councillors present at the meeting vote for one of the candidates;

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

6.6.3 If neither candidate receives an *absolute majority* of the votes:

(a) *Council* may resolve to conduct the meeting at a later date and time;
or

(b) A further vote must be taken until one of the candidates receive an absolute majority of votes, at which point that candidate will be declared to be duly elected.

(c) If, after two or more further votes are taken and neither candidate receives an absolute majority of votes, the provisions of this sub-Rule 6.6.3 must again be followed.

6.7 If there are three or more candidates (or three or more remaining candidates):

6.7.1 the Councillors present at the meeting vote for one of the candidates;

- 6.7.2 In the event of the candidate receiving an absolute majority of votes, that candidate is declared to be duly elected;
- 6.7.3 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;
- 6.7.4 if one of the remaining candidates receives an *absolute majority* of the votes, he or she is duly elected. If none of the remaining candidates receives an *absolute majority* of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an *absolute majority* of the votes. That candidate must then be declared to have been duly elected;
- 6.7.5 If two or more candidates have an equal lowest number of votes, the process to determine a defeated candidate will be determined by lot.
- 6.7.6 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
 - (a) each candidate with an equal lowest number of votes will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the 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 the alphabetical order of the Councillors' first names; and
 - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. 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 until a candidate receives an absolute majority of votes, in which case that candidate will be declared to have been duly elected).

Note: Section 26 of the *Act* requires that before the election of the *Mayor*, a *Council* must determine by resolution whether the *Mayor* is to be elected for a 1 year or 2 year term.

7. Election of Deputy Mayor and *Chairs* of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 *Chair* of a *Delegated Committee*

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

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *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:

8.1 resolving that a specified Councillor be so appointed; or

8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter,

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

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* which are known as *Ordinary Council Meetings*.

10. Council May Alter Meeting Dates

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

11. Meetings Not Fixed by Council

11.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting* which is known as a *Special Council Meeting*.

11.2 The notice must specify the date and time of the *Special Council Meeting* and the business to be transacted (which may include a motion to be presented to the meeting).

11.3 The notice must be given to the *Chief Executive Officer* (or delegate) at least 72 hours prior to the date and time of the *Special Council Meeting*, unless there are urgent or extraordinary circumstances requiring less notice to be provided. The urgent or extraordinary circumstances must be included in the minutes of the meeting.

11.4 The *Chief Executive Officer* must convene the *Special Council Meeting* as specified in the notice.

11.5 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 *Special Council Meeting*.

12. Notice Of Meeting

12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.

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

12.2.1 for *Ordinary Council Meetings* by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule on *Council's* website, social media platforms and, where possible, in a newspaper generally circulating in the *municipal district* either at various times throughout the year, or prior to each such *Council meeting*; and

12.2.2 for *Special Council Meetings* by giving notice on its website and:

- (a) in each of its Customer Service Centres; and/or
- (b) on *Council's* social media platforms.

Division 2 – Quorums

13. Inability To Obtain A Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained, including as a result of non-compliance by one or more Councillors with sub-rule 59.1:

- 13.1 the meeting will be deemed to have lapsed;
- 13.2 the *Mayor*, or in the absence of the *Mayor*, the Acting *Chair* or *Chief Executive Officer*, must convene another *Council meeting* up to a week later than the time stated in the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 13.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor* or (in the absence of the *Mayor*) the Acting *Chair* or *Chief Executive Officer*.

14. Inability To Maintain A Quorum

- 14.1 If during any *Council meeting*, a quorum cannot be maintained, including as a result of non-compliance by one or more Councillors with sub-rule 59.1, then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

15. Adjourned Meetings

- 15.1 *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.
- 15.2 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.
- 15.3 If it is impracticable for the notice given under sub-Rule 15.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

16. Time limits for Meetings

- 16.1 A *Council meeting* must not continue after 3 hours unless a majority of Councillors present vote in favour of it continuing.
- 16.2 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 15.2 and 15.3 apply.

17. Cancellation or Postponement of a Meeting

- 17.1 The *Chief Executive Officer*, in consultation with the *Mayor* where such consultation is practicable, may in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 17.2 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 17.1.

Division 3 – Business of Meetings

18. Agenda and the Order Of Business

To facilitate and maintain open, efficient and effective processes of government, business at *Council meetings* must include:

- 18.1 apologies; and
- 18.2 disclosures of conflicts of interest; and
- 18.3 designation of items of business as confidential in compliance with *these Rules*.

Subject to the above, business at *Ordinary Council Meetings* must also include:

- 18.4 confirmation of *minutes*; and
- 18.5 public question time; and
- 18.6 petitions; and
- 18.7 notices of motion; and
- 18.8 delegates reports, Councillor statements & Presentation of Awards; and
- 18.9 urgent business.

19. Change To Order Of Business

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered by resolution of *Council*.

20. Delegate Reports, Councillor Statements & Presentation of Awards

- 20.1 The *Mayor* and Councillors who are delegates or representatives of *Council* on other bodies may report to the *Council meeting* on issues of importance to *Council*, notwithstanding that the report is not listed on the *agenda*.
- 20.2 A *Councillor* may make one statement on a particular matter of importance to the municipality or to a ward, such as acknowledgment of community groups and community members, advocacy on behalf of ward constituents and statements and positions relevant to their representation and leadership of the municipality.
- 20.3 No motion (except to receive any such report or statement) can be accepted by the *Chair* unless there is a matter raised in it which is resolved in the manner prescribed by Rule 22 to be urgent business.

20.4 At the discretion of the *Chair*, awards may be presented to individuals and community groups at *Council meetings*.

20.5 Debate is not required under this Rule.

21. En Bloc Resolutions

21.1 Subject to sub-Rule 21.2, matters to be considered en bloc can only be considered by resolution of *Council*.

21.2 Items that relate to planning matters (that involve a planning application or a planning scheme amendment) or that involve statutory third-party rights must not be considered en bloc.

22. Urgent Business

22.1 If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council*, provided that it:

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

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

22.2 a Councillor proposing business to be admitted as urgent business must make the proposed motion available in order for 22.1.1 & 22.1.2 to be considered.

22.3 Once admitted as an item of urgent business, a motion which does not comply to sub-Rule 25.4 must be rejected by the *Chair*.

Division 4 – Motions and Debate

23. Councillors May Propose Notices Of Motion

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

24. Notice Of Motion

24.1 A *notice of motion* must be in *writing* signed by a Councillor and be lodged with or sent to the *Chief Executive Officer* (or delegate) by noon 14 clear days before the date of an *Ordinary Council Meeting*, unless sub-rule 24.3 applies.

24.2 A notice of motion submitted in accordance with Rule 24.1 may be amended prior to the preparation of the agenda of the *Ordinary Council Meeting* in a manner that leaves the intention and effect of the *notice of motion* materially undisturbed.

24.3 A *notice of motion* may be sent to the Chief Executive Officer (or delegate) by noon 7 clear days before the date of an *Ordinary Council Meeting* that:

24.3.1 relates to or arises out of a matter which has arisen since the distribution of the draft *agenda* of the *Ordinary Council Meeting* that is presented at a Councillor briefing session; and

24.3.2 the Mayor determines cannot safely or conveniently be deferred until the next Council meeting due to:

(a) safety concerns; or

- (b) time sensitivity; or
 - (c) an impact on the benefit and wellbeing on the municipal community.
- 24.4 A *notice of motion* included in the *agenda* must be accompanied by *written* officer comments addressing the *notice of motion*.
- 24.5 A Councillor should invite feedback from all Councillors on a *notice of motion* prior to lodgement.
- 24.6 The *notice of motion* may include a *written* rationale for the proposed motion to be submitted. The full text of any *notice of motion* and rationale must be included in the *agenda*.
- 24.7 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.
- 24.8 Any motion which is determined by the *Chair* at an *Ordinary Council Meeting* to be vague or unclear in intention must not be accepted by the *Chair*.
- 24.9 The Chief Executive Officer may reject any *notice of motion* which:
- 24.9.1 is outside of the legislative powers of Council; or
 - 24.9.2 if passed would result in Council otherwise acting invalidly; or
 - 24.9.3 *defamatory*; or
 - 24.9.4 is vague or unclear in intention; or
 - 24.9.5 objectionable in language or nature;
- but must:
- 24.9.6 notify in writing the Councillor who lodged the *notice of motion* the rejection and reasons for the rejection; and
 - 24.9.7 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so.
- 24.10 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.
- 24.11 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.
- 24.12 A *notice of motion* may be moved which differs in wording to the *notice of motion* published in the agenda, provided it leaves the intention and effect of the notice of motion materially undisturbed.
- 24.13 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

- 24.14 If a *notice of motion*, whether amended or not, is lost, a similar motion cannot again be put before the current *Council* for a period of three calendar months from the date it was lost.
- 24.15 A *notice of motion* must call for an officer report if the *notice of motion*:
- 24.15.1 substantially affects the level of *Council* services; or
 - 24.15.2 commits the *Council* to expenditure in excess of \$25,000 and that has not been included in the adopted budget (this includes operational and capital costs); or
 - 24.15.3 establishes or amends a *Council* policy; or
 - 24.15.4 commits *Council* to any contractual arrangement; or
 - 24.15.5 concerns any litigation in respect of which Council is a party.
- 24.16 Where the subject matter of a *notice of motion* is confidential in nature, the *Chief Executive Officer* may designate a *notice of motion* as confidential in accordance with relevant grounds as contained in the *Act*, in which case, the *notice of motion* will be considered in the part of the relevant *Council meeting* that is closed to members of the public.

25. Requirements for Motions and Amendments

- 25.1 A motion may be moved by a Councillor as a formal proposal that the *Council meeting* should resolve on in certain terms.
- 25.2 A motion having been moved and seconded may be amended by leaving out, inserting or adding words in a manner that leave the intention and effect of the motion materially undisturbed.
- 25.3 A motion which purports to be an amendment but which if passed would directly contradict or negate the motion or materially deprive the motion of effect cannot be accepted as an amendment.
- 25.4 A motion or amendment which is proposed by a Councillor at a *Council meeting* must be:
- 25.4.1 clearly expressed and unambiguous; and
 - 25.4.2 not defamatory or objectionable in nature; and
 - 25.4.3 relevant to an item on the *agenda* (unless it relates to an item which has been agreed by the *meeting* as urgent business).
- 25.5 Any motion or amendment which differs in wording from a recommendation or *notice of motion* which is on the *agenda* must, if required by the *Chair*, be *written* out by the proposer, given to the *Chair* and be presented on the screens used for display of the meeting proceedings. If required by a Councillor, a copy must be given to all Councillors present before any further debate takes place on the matter or before the vote on it is taken. The *Chair* may adjourn the *Council meeting* to allow time for these requirements to be met.
- 25.6 Any motion or amendment which does not conform to sub-Rule 25.3 or 25.4 may be rejected by the *Chair*.

- 25.7 An amendment must call for an officer report if the amendment commits *the Council* to expenditure in excess of \$25,000 that has not been included in the adopted budget.

26. Procedures with Respect to Motions

- 26.1 A Councillor proposing to move a motion must first indicate a wish to address the *Chair*.
- 26.2 Once recognised by the *Chair*, the mover must state the motion without speaking to it.
- 26.3 The *Chair* must call for a seconder (other than the mover).
- 26.4 Any motion which is not seconded lapses.
- 26.5 Where the mover intends to move a recommendation as it appears in the *agenda*, they may do so in the following manner, "I move the recommendation on page (state page number) of the *agenda*."
- 26.6 Where the mover intends to move a motion other than a recommendation as it appears in the *agenda*, they must state the motion in full.
- 26.7 Once a motion is seconded, the *Chair* may:
- 26.7.1 invite Councillors to speak in accordance with clause sub-Rule 28.6; or
 - 26.7.2 ask whether the motion is opposed and if no opposition is indicated, the *Chair* may then put the motion to the vote without debate; or
 - 26.7.3 at any time during the debate ask whether the motion is opposed or is further opposed and if no such opposition is indicated, may put it to the vote without further debate.
- 26.8 Where a motion is in two or more parts, upon request from a Councillor, the *Chair* may at his or her discretion put each part to the vote separately.
- 26.9 If the *Chair* determines to put a motion to the vote separately in accordance with sub-rule 26.8, the mover and seconder must be provided the opportunity to withdraw, to which the process prescribed in sub-rule 26.11 applies.
- 26.10 Subject to Rule 28, a motion must be put to the vote when the *Chair* believes that the issues have been reasonably canvassed in the debate.
- 26.11 The moving or seconding of a motion can be withdrawn. The *Chair* may:
- 26.11.1 seek a substitute mover or seconder; or
 - 26.11.2 if there is no willingness to be the substitute mover or seconder, declare the motion as lapsed.

27. Procedures with Respect to Amendments

- 27.1 Any Councillor, including the mover and seconder of a motion, may move or second any amendment to the motion after the completion of the Councillor currently speaking on the matter.

- 27.2 The procedures contained in Rule 28 should be followed to deal with an amendment.
- 27.3 When any amendment is put to the vote and declared carried by the *Chair*, it thereupon becomes the substantive motion and can be further amended.
- 27.4 The mover and seconder of the amendment which is put to the vote and declared carried by the *Chair* own the substantive motion.
- 27.5 Only one amendment can be before the *Council meeting* at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the *Chair* another amendment or motion can be foreshadowed by any Councillor stating in brief terms the nature of it.
- 27.6 Where a proposed amendment from another Councillor is accepted by the mover and seconder, it will form part of the substantive motion and no debate or voting on the amendment is required.

28. Rules of Debate

- 28.1 A Councillor may only speak once on the motion and once on any amendment of a motion subject to sub-Rule 28.2.
- 28.2 The mover of a motion has a right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- 28.3 Once a right of reply has been exercised, the *Chair* must put the motion to the vote without making comment or permitting any further comment on the motion.
- 28.4 The mover of an amendment has no right of reply.
- 28.5 A Councillor may address the *Council meeting* to explain why the Councillor proposes to *abstain* from the voting on a motion, but shall not then speak in favour or opposition to the motion.
- 28.6 The *Chair* shall invite Councillors to speak on a motion or amendment in the following order:
 - 28.6.1 mover (may be reserved to later in the debate);
 - 28.6.2 seconder (may be reserved to later in the debate);
 - 28.6.3 other Councillors; then
 - 28.6.4 mover's right of reply (where applicable).
- 28.7 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*, but cannot be used to debate the matter further.
- 28.8 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.
- 28.9 A Councillor must not in any debate make any *defamatory*, indecent, abusive, offensive or disorderly statement or comment or a statement or comment which is objectionable in language, substance or nature.

- 28.10 If a statement or comment is made contrary to sub-Rule 28.9, the *Chair* may call upon the Councillor to withdraw it and apologise and if that is required the Councillor concerned must immediately and unreservedly do so.
- 28.11 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.
- 28.12 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*.
- 28.13 A speaker to whom a direction has been given under sub-Rule 28.12 must comply with that direction.
- 28.14 In cases where there is competition for the right to speak at a *Council meeting* then the *Chair* must decide the order in which Councillors will speak.
- 28.15 If a debate is adjourned by motion then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- 28.16 A Councillor must not be interrupted except by the *Chair* or upon a point of order being taken.
- 28.17 A Councillor is not deemed to be speaking on the motion or amendment before the meeting when:
- 28.17.1 calling a point of order; or
 - 28.17.2 asking a question; or
 - 28.17.3 foreshadowing a new motion or further amendment; or
 - 28.17.4 making a request under sub-Rule 26.8
- 28.18 When exercising a right of reply, a Councillor must not introduce new material.
- 28.19 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.
- 28.20 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.
- 28.21 A foreshadowed motion is not recorded in the minutes until the foreshadowed motion is formally moved.
- 28.22 The *Chair* is not obliged to accept foreshadowed motions.
- 28.23 If a resolution is made at a *Council meeting*, the substance of the resolution cannot be further discussed at that meeting.
- 28.24 If the *Chair* so determines:
- 28.24.1 any person addressing the *Chair* must refer to the *Chair* as:
 - (a) Mayor; or

- (b) Madam Mayor; or
- (c) Mr Mayor; or
- (d) Deputy Mayor; or
- (e) Madam Deputy Mayor; or
- (f) Mr Deputy Mayor; or
- (g) *Chair*; or
- (h) Madam *Chair*; or
- (i) Mr *Chair*; or
- (j) Acting *Chair*; or
- (k) Mayor (last name); or
- (l) Your Worship

as the case may be;

28.24.2 all Councillors, other than the *Mayor*, must be addressed as

Cr(name).

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

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

28.24.4 The *Chair* may address the *Council meeting* upon any matter under discussion and will not be deemed to have left the *Chair* on such occasions.

28.24.5 Except in cases of sickness or physical disability, a Councillor at any *Council meeting* must stand when speaking.

28.25 Props, visual aids, photographs & audio or video recordings must not be allowed during debate, unless an exception is granted by the *Chair*.

29. Speaking Times

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

29.1 mover of a motion or amendment: 4 minutes

29.2 Councillor speaking to a motion or amendment: 3 minutes

29.3 closing statement (right of reply): 2 minutes

29.4 presenter of delegate's report and/or Councillor statement (combined): 3 minutes.

The *Chair* may determine to grant (but not unreasonably refuse) a request from a Councillor for an extension of time for 2 minutes to speak, however any further extension of time must be put to the vote.

30. Community Members/Visitors Speaking at Meetings

- 30.1 No community member/visitor to a *Council meeting* may speak to the meeting, except for:
- 30.1.1 the applicant (or their representative) in relation to an application for a planning permit;
 - 30.1.2 one objector in relation to an application for a planning permit; and
 - 30.1.3 special circumstances, in which leave to speak is granted by the *Chair*.
- 30.2 Any community member/visitor addressing the *Council meeting* cannot speak for more than 4 minutes each (unless granted more time by the *Chair*).
- 30.3 Should there be multiple objectors who wish to address an application for a planning permit, the time allocated to speak may be split. If multiple objectors cannot reach consensus to split the time, the first objector to apply to speak shall be granted speaking rights.
- 30.4 Sub-rule 30.3 also applies to the applicant or their representative.
- 30.5 Subject to sub-rule 60.2, community members/visitors may speak to the meeting in person or by electronic means of communication and must confirm their mode of attendance to the Governance department prior to the Council meeting.

Division 5 – Procedural Motions

31. Procedural Motions

- 31.1 Unless otherwise prohibited, a procedural motion may be moved after the completion of the Councillor currently speaking on the matter and must be dealt with immediately by the *Chair*.
- 31.2 A procedural motion is one that deals with the conduct or process of the meeting itself.
- 31.3 A procedural motion requires a seconder.
- 31.4 The mover of a procedural motion does not have a right of reply.
- 31.5 A procedural motion cannot be amended.
- 31.6 A procedural motion has precedence on substantive motions and amendments.
- 31.7 Except for a procedural motion to defer an item, a procedural motion, once moved and voted upon has no bearing on any substantive motion currently before the *Council*.
- 31.8 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Deferral of item/debate to later hour and/or date	That this matter be deferred to *am/pm and/or *date	Any Councillor	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion, amendment or item as presented in the agenda is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Deferral of item/debate indefinitely	That this matter be deferred until further notice	Any Councillor	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> 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
3. Adjournment of meeting to later hour and/or date	That this meeting be adjourned to *am/pm and/or *date	Any Councillor	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
4. Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	Any Councillor	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> 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

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. The closure	That the motion be now put	Any Councillor	During nominations for <i>Chair</i>	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

Division 6 – Rescission Motions

32. Notice of Rescission

- 32.1 A Councillor may propose a *notice of rescission* to rescind or alter a previous resolution, provided:
- 32.1.1 it has been signed and dated by at least four Councillors;
 - 32.1.2 the resolution proposed to be rescinded or altered has not been acted on; and
 - 32.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* no later than 5.00pm on the second day after the resolution proposed to be rescinded or altered was carried, setting out -
 - (a) the resolution to be rescinded or altered; and
 - (b) the meeting and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

- 32.2 A resolution will be deemed to have been acted on if:
- 32.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 32.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 32.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 32.3.1 has not been acted on; and
 - 32.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 32.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not

be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 32.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

33. If Lost

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

34. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

35. 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.

36. When Not Required

36.1 Where *Council* intends to review, amend or update one or more of its policies, a notice to rescind or alter a previous resolution is not required. The new decision, despite being inconsistent with the earlier decision, reflects *Council's* changed policy position and does not rescind or amend the earlier decision.

36.2 Notwithstanding sub-Rule 36.1, an appropriate course of action should be the submission of a *notice of motion*, in accordance with sub-Rule 25.1 of this Chapter requesting an officer report regarding the proposed policy change.

Division 7 – Points of Order

37. Procedure For Point Of Order

37.1 A point of order cannot be taken for the sole purpose of:

37.1.1 expressing a mere difference of opinion; or

37.1.2 contradicting a speaker; or

37.1.3 disrupting the meeting.

37.2 A point of order is an objection that the motion, amendment or statement made is:

37.2.1 contrary to *these Rules* or the provisions of the *Act*; or

37.2.2 defamatory; or

37.2.3 irrelevant; or

- 37.2.4 improper; or
 - 37.2.5 obscene; or
 - 37.2.6 abusive or objectionable language or behaviour; or
 - 37.2.7 outside *Council's* powers; or
 - 37.2.8 contrary to the relevant Standards of Conduct requiring the treatment of all Councillors and members of the public with dignity, fairness, objectivity, courtesy and respect.
- 37.3 A Councillor may take a *point of order* by stating briefly the matter which is the subject of the *point of order* and the ground in sub-Rule 37.2 upon which the point of order is being made.
- 37.4 When a point of order is called the Councillor speaking at the time must stop (unless asked by the *Chair* for an explanation), until the *Chair* rules upon it.
- 37.5 The *Chair* may not take a point of order.
- 37.6 The *Chair* may adjourn the *Council meeting* to consider a point of order which has been taken and shall rule upon it as soon as possible and before the business of the *Council meeting* proceeds further.
- 37.7 The *Chair* must, when ruling upon a point of order, state the provision of *these Rules* or other legislation, rule, custom or practice upon which they are basing the ruling. The *Chair's* determination is, subject to sub-Rule 38.2, final.

38. Dissent From *Chair's* Ruling

- 38.1 When the *Chair* makes a ruling during a *Council meeting* a Councillor may move a motion to the effect that the meeting dissent from the *Chair's* ruling as follows:
- "That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 38.2 When a motion of dissent is moved and is seconded the following procedures must be followed:
- 38.2.1 the *Chair* asks the mover, then the seconder, to speak to their motion and the matter is then further debated as required. The matter is put to the vote and the *Chair* announces the result; and
 - 38.2.3 the *Chair* is bound by the result of the motion of dissent - if it is passed then his or her previous ruling is changed so that it conforms to the motion of dissent, if it is defeated then his or her previous ruling stands.
- 38.3 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair* and must not be so regarded by the meeting.

Division 8 – Public Question Time

39. Question Time

- 39.1 There must be a public question time at every *Ordinary Council Meeting* to enable members of the public to submit questions to *Council*.
- 39.2 Sub-Rule 39.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 39.3 Visitors present at an *Ordinary Council Meeting* may submit questions to be answered during the meeting.
- 39.4 Questions must be submitted to the *Council* by 3.00pm on the day of the *Ordinary Council Meeting* by:
- 39.4.1 submitting an online question form on the *Council's* website or via email following the instructions on *Council's* website; or
- 39.4.2 placing a hard copy question form in the allocated Question Box.
- 39.5 Questions submitted must include the person's full name as well as their address or email in order for a response to be provided.
- 39.6 At the discretion of the *Chair*, questions may be answered verbally during the "Public Question Time" segment by a Councillor or a member of Council staff present at the *Ordinary Council Meeting* or later in writing. Questions submitted late must be either dealt with at the next *Ordinary Council Meeting* or at the discretion of the *Chief Executive Officer* may be answered in writing.
- 39.7 Individual members of the public are permitted to ask a maximum of two questions during any one Public Question Time.
- 39.8 All questions and answers must be as brief as possible. Any preamble to a question will not be read out unless the *Chair* considers it appropriate.
- 39.9 Like questions may be grouped together and a single answer provided.
- 39.10 A question must not be read and an answer must only be given to the *Council meeting* if the *Chair* or *Chief Executive Officer* has determined that the relevant question:
- 39.10.1 does not relate to a matter beyond or outside *Council's* powers; and
- 39.10.2 is not defamatory, indecent, abusive or objectionable; and
- 39.10.3 is not repetitive of a question, matter, issue or principle already answered (whether at that meeting or an earlier one); and
- 39.10.4 is not asked to be derogatory of or to embarrass a Councillor, a member of Council staff or a member of the community; and
- 39.10.5 does not relate to a matter already considered and resolved upon by *Council*.
- 39.11 No debate on questions asked or answers given is permitted.

Division 9 – Petitions and Joint Letters

40. Petitions and Joint Letters

- 40.1 Subject to sub-Rule 40.3 every petition or joint letter presented to *Council* shall be *written* (other than in pencil), typed or printed, containing the request of the petitioners or signatories, and be signed by at least 12 people.
- 40.2 Petitions must be lodged by 5.00pm seven (7) clear calendar days before the date of the *Council meeting*.
- 40.3 *Council* may by resolution accept an electronic petition received via an online website if it is satisfied that the petition is authentic and from a legitimate website.
- 40.4 A petition or joint letter addressed to *Council* or any member personally which requires a decision of or directions from *Council* must be referred to the *Chief Executive Officer*.
- 40.5 Notwithstanding sub-Rule 40.4, where a petition or joint letter presented to a *Council meeting* relates to an item of business on the *agenda*, the petition or joint letter may be considered by *Council* as part of its deliberations on the item.

Division 10 – Voting

41. How a Motion is Determined

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

42. Recount

The *Chair* may direct that a vote be recounted to be satisfied of the result.

43. Casting Vote

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

44. By Show Of Hands

Voting on any matter is by show of hands.

45. Procedure For A Division

- 45.1 At any *Council meeting*, a division may be called by a Councillor immediately after the *Chair* has put any motion, amendment or other question to the vote and has announced the result of that vote.
- 45.2 A division cannot be called once consideration of the next item on the *agenda* has commenced.
- 45.3 The calling of a division has set aside the result of the voting announced by the *Chair*.
- 45.4 The result of a division supersedes the result of the original vote and a Councillor may change their previous vote when a division is called.
- 45.5 When a division has been called, the *Chair* must:
 - 45.5.1 ask Councillors voting in the affirmative to stand and announce the names of those Councillors, then
 - 45.5.2 ask for those voting in the negative to stand and announce the names of those Councillors; then
 - 45.5.3 ask for those *abstaining* from voting to stand and announce the names of those Councillors.
- 45.6 The names of Councillors voting in the affirmative and in the negative and Councillors *abstaining* from voting must be recorded in the minutes of the *Council meeting*.
- 45.7 The *Chair* must announce the result of the vote immediately before the division is taken.

46. Record of Vote

- 46.1 Notwithstanding Rule 45, at any *Council meeting* a Councillor may ask that their name be recorded in the minutes of how they voted, immediately after the *Chair* has put any motion, amendment or other question to the vote and has announced the result of that vote.

Division 11 – Minutes

47. Confirmation of Minutes

- 47.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
 - 47.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
 - 47.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - 47.1.3 if a Councillor indicates opposition to the minutes:
 - (a) he or she must specify the item(s) to which he or she objects;

- (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
- (c) the Councillor objecting must move accordingly without speaking to the motion;
- (d) the motion must be seconded;
- (e) the *Chair* must ask:
"Is the motion opposed?"
- (f) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 47.1.3(k);
- (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;
- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:
"The question is that the minutes be confirmed" or
"The question is that the minutes, as amended, be confirmed",
and he or she must put the question to the vote accordingly;

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

47.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and

48. 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.

49. 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.

50. Form and Availability of Minutes

- 50.1 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:
- 50.1.1 the date, place, time and nature of the meeting, the time of its commencement and conclusion and the time of any adjournment and resumption of the meeting;
 - 50.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - 50.1.3 the names of the members of Council staff present;
 - 50.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether, under Chapter 5, the conflict of interest was indicated to be a general conflict of interest or a material conflict of interest;
 - 50.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 50.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 50.1.7 the vote cast by each Councillor upon a division (including Councillors *abstaining*);
 - 50.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes as voting in the negative;
 - 50.1.9 a summary of any questions asked in accordance with Rule 39 (public question time) and a summation of the answer given verbally at the meeting;
 - 50.1.10 an indication of any formal submission made verbally pursuant to a statutory right by a community member/visitor;
 - 50.1.11 the failure of a quorum;
 - 50.1.12 any adjournment of the meeting and the reasons for that adjournment; and
 - 50.1.13 the time at which standing orders were suspended and resumed.
- 50.2 The *Chief Executive Officer* or Manager Governance must ensure that the minutes of any *Council meeting* are:
- 50.2.1 published on *Council's* website; and
 - 50.2.2 available for inspection at *Council's* office during normal business hours.
- 50.3 Nothing in sub-Rule 50.2 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*.

Division 12 – Behaviour & Public Attendance

51. Public Attendance at Council Meetings

- 51.1 Where Council meetings are held in *Council* buildings, conditions of entry may apply to ensure community safety. The *Chief Executive Officer* may from time to time, erect signage stipulating conditions of entry to *Council* Buildings in accordance with the Community Local Law. Conditions may include sign in requirements and proof of identification.
- 51.2 The *Chief Executive Officer* must ensure that any information gathered which is required under the conditions of entry will be managed in accordance with the Privacy and Data Protection Act 2014 or such other applicable pieces of legislation and related policies.

52. Public Behaviour at a Meeting

- 52.1 A member of the public present at a *Council meeting* must not disrupt the meeting.
- 52.2 Community members/visitors at *Council meetings*:
- 52.2.1 must not interject or take part in the debate; and
- 52.2.2 must preserve silence in the gallery at all times during a *Council meeting*; and
- 52.2.3 must not operate photographic, audio or video recording equipment or any other recording device at any *Council meeting*.
- 52.2.4 must not bring into or attempt to bring into the *Council* meeting any offensive material placed on placards, banners, posters or other signage.
- 52.3 Any member of the public must extend the 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.

53. 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 52.3.

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 the Chair's authority in chairing the meeting.

54. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder (including a security matter) at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as the *Chair* thinks proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

55. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer*, an authorised 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 53.

Division 13 – Additional Duties of *Chair*

56. The *Chair's* Duties and Discretions

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

- 56.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 56.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of Standing Orders

57. Suspension of Standing Orders

- 57.1 To expedite the business of a meeting, *Council* may suspend standing orders.

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

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

- 57.2 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 orders be suspended to enable discussion on....."

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

- 57.4 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 15 – Miscellaneous

58. Recording of *Meetings*

- 58.1 In accordance with the Recording of Public *Council Meetings* Policy, the *Chief Executive Officer* (or other persons authorised by the *Chief Executive Officer*) may record on suitable video or audio recording equipment all the proceedings of a *Council meeting*.

Division 16 – Meetings Conducted Remotely

Council is permitted by the Act to hold meetings by electronic means, and a Council meeting will be open to the public if members of the public are able to attend it in person, or if it is broadcasted live on Council's website.

Where a meeting is conducted remotely, the Rules will be modified in accordance with this Division.

59. Council meetings conducted remotely

- 59.1 Where a Councillor attends a Council meeting conducted remotely by electronic means of communication, the Councillor must be able to:
- 59.1.1 hear the proceedings of the Council meeting;
 - 59.1.2 see all Councillors and members of Council staff also attending the Council meeting, at least while the Councillor or member of Council staff is speaking;
 - 59.1.3 be seen by all time by all Councillors, members of Council staff and members of the public also attending the Council meeting; and
 - 59.1.4 be heard when they speak.
- 59.2 If the conditions of sub-rule 59.1 cannot be met by one or more Councillors attending a Council meeting conducted remotely by electronic means of communication, whether because of technical difficulties or otherwise, but a quorum is still present, the:
- 59.2.1 Council meeting will proceed; and
 - 59.2.2 Councillor (or Councillors) will be treated as being absent from the Council meeting,
- unless the Council meeting is adjourned in accordance with these Rules.
- 59.3 Nothing in this rule 59 prevents a Councillor from joining (or re-joining) a *Council meeting* conducted remotely by electronic means of communication at the time that they achieve compliance with sub-rule 59.1, even if that *Council meeting* has already commenced or continued in their absence.
- 59.4 The *Chief Executive Officer* must ensure that a *Council meeting* conducted remotely is broadcast live continuously on Council's website.
- 59.5 Nothing in sub-rule 58.4 requires any portion of a *Council meeting* conducted remotely that is closed to the public under section 66(1) of the Act to be broadcast live on Council's website.
- 59.6 If the live broadcast of a *Council meeting* conducted remotely is interrupted for any reason, the *Chief Executive Officer* must immediately inform the *Council meeting* and the *Council meeting* is adjourned and, except for a resolution of Council made under sub-rule 59.6.2, no further business can be conducted until:
- 59.6.1 the live broadcast can be reinstated; or
 - 59.6.2 such later date and time fixed by resolution of *Council*, in which case rule 15 applies.

60. Notification of attendance at Council meetings conducted remotely by electronic means

- 60.1 A Councillor who wishes to attend a *Council meeting* by electronic means of communication must notify the Mayor and/or *Chief Executive Officer* as soon as practicable prior to the meeting. The Mayor and/or *Chief Executive Officer* will notify all Councillors.
- 60.2 Should the Mayor and/or *Chief Executive Officer* receive notice from all Councillors of their wish to attend by electronic means of communication in accordance with sub-rule 60.1, public notice will be provided that the meeting will be held entirely by electronic means of communication and the methods of viewing and participation.

61. Other matters not provided for

Where any of these Rules has not been expressly modified, and requires modification, to operate at a Council meeting conducted remotely, the *Chair* with the cooperation of the meeting, may modify so much of these Rules as is necessary to permit the Council meeting conducted remotely to proceed and to facilitate the more efficient and effective transaction of the business.



City of
KINGSTON

Chapter 3

Meeting Procedure for Delegated Committees

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*.
- 1.3 For the avoidance of doubt, sub-rule 12.2.1 of Chapter 2 of these Rules applies to a *Delegated Committee* in regards to the notice of meeting.

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.

* The Mayor or Council may appoint a *Councillor* to be the chair of a *Delegated Committee* in accordance with s.19 (1) (a) or s.63 (2) (a) of the *Local Government Act 2020*. If this is enacted, a *Councillor* appointed by the Mayor or Council as *Chair* is to be read as a reference to the *Chair* of the *Delegated Committee*.



City of
KINGSTON

Chapter 4

Meeting Procedure for Community Asset Committees

Chapter 4 – Meeting Procedure for Community Asset Committees

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*.



City of
KINGSTON

Chapter 5

Disclosure of Conflicts of Interest

Chapter 5 – Disclosure of Conflicts 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.[†]

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 (whether such a meeting is known as a ‘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 the Councillor:

- 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 the conflict of interest 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, and indicating whether the conflict of interest is a general conflict of interest or a material 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.

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

[†] At 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 the conflict of interest 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, and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest;
 - 4.2.2 explaining the nature of the 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 the Councillor:

- 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 the conflict of interest 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, and indicating whether the conflict of interest is a general conflict of interest or a material 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

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which the Councillor 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, and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest;
- 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, or have the disclosure recorded in the minutes or notes of the meeting.

7. Disclosure by Members of Council Staff Preparing Reports for Meetings

- 7.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which the member of staff 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*;
- 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, 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.
- 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. Conflict of Interest Exemptions

- 10.1 The following exemptions are in accordance with section 129 of the Act, and apply to all disclosures of conflict of interest and all relevant persons outlined in this Chapter.
- 10.2 A conflict of interest does not arise if any of the following applies:
 - 10.2.1 the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
 - 10.2.2 the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the *municipal district* and does not exceed the interest held by the other residents, ratepayers or electors;
 - 10.2.3 the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
 - 10.2.4 the interest only arises because the relevant person is the representative of the *Council* on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
 - 10.2.5 the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
 - 10.2.6 the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;

10.2.7 the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations made under the *Act*.

11. Retention of Written Notices

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



City of
KINGSTON

Chapter 6

Miscellaneous

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

1.1 If there is a meeting of Councillors that:

- 1.1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors; and
- 1.1.2 is attended by at least 6 Councillors; and
- 1.1.3 is attended by at least one member of Council staff; and
- 1.1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting;

or

If there is a meeting of a Councillor or Councillors that is subject to the Planning Interactions Policy;

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

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

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*, the *Chief Executive Officer* 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.



City of
KINGSTON

Chapter 7

The Common Seal

Chapter 7 – The Common Seal

1. The Common Seal and Sealing Clause

- 1.1 The common seal may be used only on the authority of *Council* and a person must not use it without that authority.
- 1.2 The *Chief Executive Officer* must keep the common seal in safe custody.
- 1.3 The form of the common seal and sealing clause is to be as detailed in Rule 2 below or to like effect.
- 1.4 Every document to which the common seal is affixed must be signed by 1 Councillor and the *Chief Executive Officer*, unless sub Rule 1.5 applies.
- 1.5 *Council* may delegate to the *Chief Executive Officer* the authority to affix the *common seal* to any group or class of documents and in such cases the document only requires the signature of the *Chief Executive Officer* to attest the affixing of the *common seal*.

2. Form of Common Seal

Unless *Council* resolves otherwise, the form of the common seal will be as follows:

The **Common Seal** of the Kingston City Council was hereunto affixed in the presence of:

..... **Councillor**

An image of the
Common Seal
appears here

..... **Chief Executive Officer**



City of
KINGSTON

Chapter 8

Election Period Policy

Election Period Policy

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VERSION NO / APPROVAL / DATE	Version 1 – Adopted by Council 25 June 2005 Version 2 – Adopted by Council 24 September 2015 Version 3 - Adopted by Council 22 February 2016 Version 4 – Adopted by Council 25 May 2020
TRIM REF:	20/69765
REVIEW	Policy to be reviewed by June 2023
RESPONSIBLE EXECUTIVE	General Manager Corporate Services
POLICY OWNER	Manager Governance

1. Purpose of the Policy

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. The purpose of the Election Period Policy (the Policy) is to ensure that the business of local government in the City of Kingston continues throughout an election period in a responsible and transparent manner. This policy prescribes actions and procedures the organisation will implement in observance of statutory requirements and established election period conventions in the interests of 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.

2. Scope

The Policy applies to Councillors and Council staff during an election period prior to a General Election and by-election.

The election period for 2020 commences at 12.00pm on 22 September 2020 and ceases at 6.00pm on 24 October 2020.

3. Definitions

Where terms used in this policy are defined in the Act, their use in this policy is consistent with the definitions set out in the Act.

4. Responsible Executive

General Manager Corporate Services

5. Policy owner

Manager Governance

6. Related Documents

Council Expenses Policy

Ward Councillor Meetings Policy

Local Government Victoria Governance Practice Note No. 5 dated 9 March 2012

Local Government Act 2020 (Vic)

Councillor Code of Conduct

7. Delegation Authority

N/A

8. Policy Statement

During the election period the business of Council continues, and ordinary matters of administration still need to be addressed. The policy establishes a series of election period practices which aim to ensure that actions of the current Council do not bind an incoming Council and limit its freedom of action.

This policy covers:

- Prohibited decisions that are made by the Council during the election period;
- Scheduling consideration and announcement of Prohibited decisions;
- Significant decisions;
- Use of the Council's resources including material published by Council
- Access to information
- Council's online presence including social media
- Media
- Attendance and participation at Council organised activities and events
- Public Consultation during the election period.
- Proceedings of Councillor Conduct Panels

9. Policy Details

9.1. Roles and Responsibilities

9.1.1. Responsibility of Councillors

Councillors should be mindful of their responsibilities in relation to improper use of position as outlined in the Act. Sections 123 and 124 of the Act* prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 123 attracts serious penalties including possible imprisonment. Section 123 in relation to the election period ensures a fair election is held where council resources are not used for campaigning by sitting Councillors to increase advantage over other candidates or to influence voters.

*sections 76D and 76E of the *Local Government Act 1989* until repeal date on 24 October 2020.

9.1.2 Role of the Chief Executive Officer

The Chief Executive Officer will ensure, as far as possible, that all Councillors and Officers 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.

9.2. Policy 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 will ensure, as far as possible, that matters of Council business requiring 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.

9.3. 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.

Further information about whether a decision falls within the list below is available by speaking with the Manager Governance.

Prohibited decisions include decisions under section 69(2)(d) of the Act - decisions which Council considers should not be made during the election period.

This policy nominates significant decisions as decisions which Council considers should not generally be made. These are decisions which:

- significantly affect the municipality; or
- unreasonably bind the incoming Council.

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

- The urgency of the issue (that is, can it wait until after the election);
- The possibility of financial and/or legal repercussion if it is deferred;
- Whether the decision is likely to be controversial; and
- The best interests of Council

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.

Proposed Council Decision	Is it allowed?	Source
Employment or remuneration of a Chief Executive Officer under section 45, other than a decision to appoint an acting Chief Executive Officer	No *	This is prohibited by s69(2)(a) of the Act
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	No *	This is prohibited by s69(2)(b) of the Act

year (estimated at \$1.42M for 2018/19)		
A decision which Council considers could be reasonably deferred until the next Council is in place	No.	This is prohibited by s69(2)(c) of the Act
Significant decisions, being decisions that significantly affect the municipality or unreasonably bind the incoming Council (such as decisions 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)	Generally, No.	This is prohibited by s69(2)(d) of the Act
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.	No	This is prohibited by s69(3) of the Act

- * In accordance with s69 of the Act, any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is a matter under this proposed policy decision is entitled to compensation from the Council for that loss or damage.

9.4. Public Consultation during the election period

Public consultation” means a process that involves an invitation or invitations to individuals, groups or 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, however, consultation on any contentious or politically sensitive matter will not commence, or continue to occur, during the election period

- The above does not apply to public consultation required pursuant to the Planning and Environment Act 1987

All public consultation that is likely to run into the election period must have prior approval from the Manager Governance. Where approved, the results will not be reported to the Council until after the election period, unless the CEO decides otherwise.

9.5. Council Events

Council organised events and functions held during the election period will only be those essential to the everyday operation of the Council. This may be varied by a Council resolution or where prior approval has been given by the Chief Executive Officer. Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering.

9.6. Council Publications during the election period

Section 304 of the Act imposes limitations on Council publications. This is to ensure that Council does not publish electoral material with public funds that may influence, or be seen to influence, voting in an election.

9.6.1. S304 Prohibition on publishing materials during the election period

It is prohibited for a Councillor or a member of Council staff to use Council resources:

- (a) To print, publish or distribute; or
- (b) To cause, permit or authorise to be printed, published or distributed on behalf of, or purporting to be on behalf of Council;

any electoral material, unless the electoral material only contains information about the election process or is otherwise with, or under, any Act or regulation.

Failing to comply with this clause carries an offence of up to 60 penalty units (\$9,913.20 in the 2018/2019 financial year) under section 304 of the Act.

Best practice is for Council to avoid all publication activity during the election period except where essential for the conduct of Council operations. Where printing, publishing or distributing any material during the election period, certification from a panel consisting of General Manager Corporate Services, Manager Governance and Manager Communications & Community Relations is required for all publications. Publication should be read broadly to include electronic information and web-based productions.

Certification may be required prior to the election period if the material is to be distributed during the election period.

The procedure for certifying publications is:

Process:

All publications are sent to Communications and Community Relations (including job advertisements that are normally sent to People Support);

- General Manager Corporate Services, Manager Governance and Manager Communications & Community Relations are responsible to check that no election material is present unless it is factual election process information.
- Governance is responsible for maintaining the record of certification and certified documents.

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 Kingston (e.g. By use of Council logos or official City of Kingston Councillor photos).

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

9.6.2 Kingston City Council online presence including social media

Council has a number of social media sites including several Twitter feeds and Facebook pages (Kingston City Council site is the main corporate site; there are also separate pages for Kingston Arts, Libraries, Leisure Centres, Kingston Business and Youth which are managed by the relevant Council departments). Council's Communications and Community Relations department monitors Kingston City Council's corporate Facebook site and Twitter feeds between the hours of 9.00am and 5.30pm on weekdays (excluding public holidays). Any publication on social media sites like Facebook, Twitter and blog sites, which are auspiced by Council, will be subject to the certification process outlined in clause 9.5.1. Council auspiced social media must not be used for election campaigning.

The ability for members of the public to post comments on Council's social media sites such as Facebook and Twitter will continue during the election period, but will be monitored (during business hours, afterhours and weekends) by the Governance and Communications and Community Relations teams, who will have the editing access to remove any material posted by the public that is:

- a) content posted by a candidate irrespective of content
- b) content that makes reference to a candidate, or
- c) the 2020 election – unless it is a query about the election process itself.

At the start of the election period information on Council's website (or any other Council communication platforms) about Councillors who are candidates will be restricted to name, ward and contact details. Any new material published on council's website during the election period must be subject to the certification process in clause 9.5.1. Council agendas

and minutes of meetings do not require certification if published in the usual way on the website. Any references to the election will only relate to the election process.

9.6.3. Council Publications

Any Council publication which is potentially affected by this policy will be subject to the certification process in clause 9.5.1 to ensure that any circulated, displayed or otherwise publicly available material during the election period does not contain material that may be construed as “electoral matter”.

Council will review its brochures and pamphlets in Customer Service Centres and remove any which might contain electoral matter prior to the election period.

Any references to Councillors in Council publications printed, published or distributed during the election period must not include promotional text.

a. Kingston Your City (KYC)

Edition(s) of KYC published during the election period will contain only general information pertaining to the election process. It will not contain any photograph of a candidate or Councillor, or any statement by a candidate or Councillor. Articles will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. The “Ward Columns” section will not appear in this edition(s).

b. Email

Emails that are part of the normal conduct of Council business should not require certification. However, emails with multiple addressees, used for broad communication with the community, should at all times be arranged via the Communications Team. These will be sent via MailChimp (or similar) and should be subject to the certification process.

c. Correspondence

Mass mail outs or identical letters sent to a large number of people by or on behalf of Council must be subject to the certification process.

Council staff should not prepare Councillors’ private mail or electoral correspondence and such material must not be printed on Council stationery or using Council equipment.

d. 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 “Councillor” clearly indicates that it is their own material and does not represent Council.

e. Events

Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process. Function or events for the purpose of electioneering must not be resourced or publicised by Council.

f. Photo boards

Public photo boards containing photographs of current Councillors on display at Council premises will be removed during the election period.

g. Annual Report

Council is statutorily required to produce an Annual Report which may occur during the election period. 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.

A summary version of the annual report is regarded as a pamphlet and must be subject to the certification process in clause 9.5.1.

In an election year, the Mayor must present the annual report at a Council meeting on a day not later than the day before election day, in accordance with section 100 of the Act.

A text version is lodged with the Minister of Local Government as soon as practicable after the end of the financial year.

Printed copies of the text version of the Annual Report will only be distributed upon request until the expiration of the election period.

9.7. Council Resources

It is prohibited under the Act for a Councillor or member of Council staff to use resources in a way that is intended to, or likely to influence the result of an election. Failing to comply with this clause carries an offence of up to 60 penalty units (\$9,913.20 in the 2018/2019 financial year) under section 304 of the Act.

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

9.7.1. Council Resources

Council resources (including offices, staff, hospitality services, equipment, computer, tablet PC, all media material including photos and official Council social media accounts, stationery and mayoral vehicle) should be used exclusively for normal Council business during the

election period by Councillors and Council staff and shall not be used in connection with an election campaign.

It should be noted that the prohibition on the use of Council resources for electoral purposes is not restricted to the election period.

9.7.2. Support to the Mayor, Deputy Mayor and Councillors

No member of Council staff, including the Executive Assistant to the Mayor, will be asked to undertake tasks connected directly or indirectly with a Councillor's election campaign.

9.7.3. Expenses Incurred by Councillors

Reimbursement of Councillor expenses incurred during the election period should only apply to costs incurred in the performance of normal Council duties, in accordance with the Council Expenses Policy. It is not for campaigning and for expenses that could be perceived as supporting or being in connection with a candidate's election campaign.

9.7.4. Mobile phones

Mobile phone costs associated with electioneering will not be paid by Council. Councillors will be required to provide a signed declaration prior to Council paying mobile phone bills that relate to mobile phone calls made during the election period. All calls in relation to election campaigning are of a private nature, not incurred in undertaking normal Council business, and will not be reimbursed.

Councillors with their own private mobile phones may continue to seek reimbursement of telephone expenses incurred in undertaking Council business related calls. Councillors will be required to declare that those expenses were incurred in undertaking normal Council business.

9.7.5. Travel and Accommodation

During the election period Councillors shall not participate in any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impractical the Chief Executive Officer may determine the issue.

9.8. Ward matters

Ward meetings will not be held within six months before an election.

9.9. Media and media services

Council's media services (though the Communications and Community Relations team) are intended to promote Council activity or initiatives and must not be used in any way that might favour a candidate.

9.9.1. Media Advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves a Councillor or Councillors.

9.9.2. Media releases/spokespersons

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.

9.9.3. Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided where possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer. In any event, Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

9.9.4. Council Branding and Logos

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

9.9.5. Councillors

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

9.9.6. Speeches

Any publication or distribution of Councillors' speeches by the Council must be subject to the certification process as prescribed at clause 9.5.1. Council staff and resources should not be used to prepare or publish speeches that contain electoral matter.

9.9.7. Council employees

During the election period no Council employee may make any public statement that relates to an election issue, unless approved in advance by the Chief Executive Officer.

9.10. Information

Councillors shall continue to receive information necessary to fulfil their existing role as a Councillor during the election period.

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/ contractor conducting elections on behalf of Council during the

election period will only relate 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 might be perceived to be connected with a candidate's election campaign.

No other information other than what would normally be made available to any member of the general public upon request is to be provided to a Councillor

No information other than what would normally be made available to any member of the general public upon request is to be provided to a candidate who is not a Councillor.

9.10.1. Information Request Register

All election process related enquires 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 Manager Governance.

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 relating to electoral matters and non-routine requests for information by Councillors and candidates, and the response given to those requests.

9.10.2. Equal Accessibility to Information for Candidates

To ensure all candidates have equal access to information held by Council during the election, where a request for information is granted by the Governance Department as recorded in the Information Request Register (see 9.9.1) it will be made publicly available on Council's website for all candidates and the public to access.

9.11. By- Elections

The content of this policy shall be observed during any by-election, except that:

- a Clauses 9.2 and 9.3 (which restrict Council decision making) shall not apply;
- b Provisions of relevance to the municipality as a whole shall be limited in application to the ward of the subject by-election.

For the avoidance of doubt, it is prohibited during a by-election for any Council decision-making, Councillor or member of Council staff to use Council resources in a way that -

- a is intended to; or
- b is likely to -

affect voting or the result of an election.

10. Decision Guidelines

None.

11. Transition/Translation arrangements

Not applicable.

12. Review

Policy to be reviewed by June 2023.