



GOVERNANCE RULES

(Adopted by Council 26 October 2021)

GOVERNANCE RULES

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PART 1 – PRELIMINARY PROVISIONS

1. OBJECTIVES OF THESE GOVERNANCE RULES

The objectives of these Governance Rules are to:

- 1.1 Facilitate good governance;
- 1.2 Regulate proceedings for the election of the Mayor and Deputy Mayor;
- 1.3 Provide for the appointment of an Acting Mayor;
- 1.4 Regulate proceedings of Meetings of Council and Delegated Committees;
- 1.5 Provide for the form and availability of meeting records;
- 1.6 Provide for the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee;
- 1.7 Provide for the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a delegated committee;
- 1.8 Provide for the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- 1.9 Provide for the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- 1.10 Provide for the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered;
- 1.11 Promote and encourage community participation in the system of local government, by providing mechanisms within the meeting arrangements for the Council to ascertain the community's views and expectations;
- 1.12 Regulate and control the use of Council's Common Seal;
- 1.13 Provide generally for the peace, order and good government of the municipal district;
- 1.14 Provide a Public Participation in Council Meetings Policy; and
- 1.15 Provide an Election Period Policy; and
- 1.16 To repeal Local Law No. 1 of 2019 – Council Meeting Procedures & Common Seal.

2. THE POWER TO MAKE THESE GOVERNANCE RULES

These Governance Rules:

- 2.1 are made under section 60, of the Act; and
- 2.2 were prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

3. ROLE OF COUNCIL

- 3.1 The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Golden Plains municipal community.

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- 3.2 Council will provide good governance through —
- 3.2.1 the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
 - 3.2.2 the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- 3.3 In performing its role, Council may—
- 3.3.1 perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
 - 3.3.2 perform any other functions that Council determines are necessary to enable Council to perform its role.
- 3.4 If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

4. OVERARCHING GOVERNANCE PRINCIPLES AND SUPPORTING PRINCIPLES

- 4.1 Council will in the performance of its role give effect to the overarching governance principles.
- 4.2 The following are the overarching governance principles—
- 4.2.1 Council decisions are to be made and actions taken in accordance with the relevant law;
 - 4.2.2 priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - 4.2.3 the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - 4.2.4 the municipal community is to be engaged in strategic planning and strategic decision making;
 - 4.2.5 innovation and continuous improvement is to be pursued;
 - 4.2.6 collaboration with other Councils and Governments and statutory bodies is to be sought;
 - 4.2.7 the ongoing financial viability of the Council is to be ensured;
 - 4.2.8 regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
 - 4.2.9 the transparency of Council decisions, actions and information is to be ensured.
- 4.3 In giving effect to the overarching governance principles, Council will take into account the following supporting principles—
- 4.3.1 the community engagement principles;
 - 4.3.2 the public transparency principles;
 - 4.3.3 the strategic planning principles;
 - 4.3.4 the financial management principles; and
 - 4.3.5 the service performance principles.

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5. COUNCIL DECISION MAKING

- 5.1 Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.
- 5.2 Any person whose rights will be directly affected by a decision of the Council is entitled to:
- 5.2.1 communicate their views by written submission; and
 - 5.2.3 have their interests considered.
- in accordance with Part 5 (Public Participation in Meetings).
- 5.3 For the purposes of rules 5.1 and 5.2, a decision of Council means the following—
- 5.3.1 a resolution made at a Council meeting;
 - 5.3.2 a resolution made at a meeting of a Delegated Committee; or
 - 5.3.3 the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

6. COMMENCEMENT & REVIEW DATES

- 6.1 These Governance Rules come into operation on the 26 August 2020, at which time Local Law No. 1 of 2019 – Council Meeting Procedures & Common Seal 09 will cease to have force and effect.
- 6.2 Council will review and amend these Governance Rules as required.

7. DEFINITIONS

In these Governance Rules, unless inconsistent with the context, the following words and phrases are defined to mean:

'absolute majority' means a number of votes greater than one-half of the total number of ballot papers (excluding ballot-papers which are rejected) and if necessary includes the vote by lot;

'Act' means the *Local Government Act 2020*;

'Acting Mayor' Means the Councillor appointed to represent the Mayor in the event of the Mayor and Deputy Mayor's absence or where there is a need to fill the role;

'agenda' means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

'Audit and Risk Committee' has the same meaning as in the Act;

'Authorised Officer' has the same meaning as in the Act or any other Act;

'amendment' means a proposed alteration to the wording of a motion without being contradictory;

'Chamber' means any room where Council holds a Council Meeting;

'Chairperson' means the Chairperson of the meeting and includes acting, temporary and a substitute Chairperson;

'Chief Executive Officer' means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

'Committee Meeting' means a meeting of a Delegated Committee;

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'Common Seal' means the Common Seal of Council;

'Council' means the Golden Plains Shire Council;

'Councillor' means a Councillor of Council;

'Code of Conduct' has the same meaning as in the Act;

'Council Meeting' means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and an unscheduled meeting;

'day' means a Council business day;

'deliver' means to hand over or mail to a recipient and includes electronic mail, transmission by facsimile or published on Council's website;

'delegate' means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

'Delegated Committee' has the same meaning as in the Act;

'Delegated Committee Meeting' means a Meeting of a Delegated Committee;

'Deputy Mayor' means the Deputy Mayor of Council and any person elected by Council to act as Deputy Mayor;

'Director' means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

'digital' means a form of electronic media or computer technology and includes digital audio, video, livestream, teleconference or other electronic means or software;

'disorder' means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting;

'division' means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed;

'Foreshadowed Item' means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting;

'form' a document with the approved outline and structure used to collect information in accordance with business procedures;

'gallery' means the members of the public sitting in the area set aside for them to view the meeting from. This may be a physical or virtual area;

'Joint Letter' means a formal application to Council in the form of a letter which has been signed by the required number of people determined in a policy adopted by Council from separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter;

'leave of absence' means formal leave requested and taken by a Councillor who is not available, or unable, to perform their Council duties for a specified period of time;

'majority of the votes' means the majority of Councillors meaning half plus one of the total number of Councillors; and additionally means the votes cast by a majority of the Councillors present at a meeting at the time the vote is taken;

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'Mayor' means the Mayor of Council and any person appointed by Council to be acting as Mayor;

'meeting' means a Council Meeting or a Delegated Committee Meeting;

'member' means a member of any committee to which these Governance Rules apply;

'Minister' means the Minister for Local Government;

'Minutes' means the official record of the proceedings and decisions of a Meeting;

'Motion' means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;

'Municipal district' means the municipal district of Council;

'Notice of Amendment' means a Notice of Motion to amend a resolution made by Council;

'Notice of Motion' means a notice in writing, including the Councillor initiative, setting out the text of a motion/item which it is proposed to be moved by the Councillor at the next relevant meeting;

'Notice of Rescission' means a Notice of Motion to rescind a resolution made by Council;

'On Notice' means held over or deferred to enable preparation of a response;

'officer' means an employed member of Council staff;

'Petition' means a formal written application to Council, typed or printed without erasure, signed by the required number of people determined in a policy adopted by Council whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition;

'Point of Order' means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

'Procedural Motion' means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

'quorum' means the minimum number of Councillors who must be present to conduct the business of Council. A quorum is half the Council members plus one (1);

'Resident' means a person who has a place of residence within the Municipal District;

'resolution' means a formal determination by a meeting of Council or delegated committee;

'Rule or Sub-rule' means a rule or sub-rule included in these Governance Rules;

'Schedule' means the Schedule attached to these Governance Rules;

'Scheduled Meeting' means a scheduled meeting of the Council;

'Standing Orders' means the provisions of these Governance Rules which govern the conduct of Meetings;

'Suspension of Standing Orders' means the suspension of the provisions of these Governance Rules, to facilitate full discussion but not debate, on an issue without formal Governance Rules constraints;

'Urgent Business' means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next Meeting of Council or a delegated committee;

'Unscheduled Meeting' means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings set by Council;

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'Visitor' means any person (other than a Councillor or an officer) present at a Meeting; and

'written' or **'In writing'** includes duplicated, photocopied, photographed, emailed, faxed, printed and typed and extends to both hard copy and soft copy form.

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PART 2 – ELECTION OF MAYOR & DEPUTY MAYOR

The purpose of this Part is to regulate the proceedings for the election of Mayor and Deputy Mayor.

8. PROCEDURE FOR ELECTION OF MAYOR

- 8.1 Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor.
- 8.2 The agenda for the meeting to elect the Mayor may include:
- 8.2.1 The taking of the oath of office by each Councillor, under the Act;
 - 8.2.2 The fixing of the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year; and
 - 8.2.3 The appointment of Councillor representatives to various bodies.
- 8.3 The meeting to elect the Mayor shall be held in accordance with the Act.
- 8.4 All nominations to be a candidate for Mayor must be provided in writing to the Chief Executive Officer no later than a date and time to be fixed by the Chief Executive Officer.
- 8.5 The Chief Executive Officer will advise all Councillors of the names of the candidates within 24 hours of nominations closing.
- 8.6 The Chief Executive Officer will be the temporary Chairperson of the meeting at which the election of Mayor is to be conducted, but will have no voting rights.
- 8.7 Pursuant to sub-rule 8.4, the Chief Executive Officer will be responsible for reading the names of the candidates at the meeting at which the election of Mayor is to be conducted.
- 8.8 The Chief Executive Officer shall be responsible for the counting of votes.
- 8.9 The election of the Mayor shall be by a show of hands.
- 8.10 Subject to sub-rules 8.11 and 8.12, the Mayor must be elected by an absolute majority of the Councillors
- 8.11 If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- 8.12 However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- 8.13 For the purposes of this rule the following will apply:
- 8.13.1 Pursuant to sub-rule 8.4, nominations must be moved and seconded at the meeting at which the election of Mayor is to be conducted;
 - 8.13.2 Where there are more than 2 nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes, and that candidate shall be declared elected; and
 - 8.13.3 If for the purpose of eliminating the candidate with the least number of votes, 2 or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the

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candidate to be eliminated shall then be determined by lot conducted by the Chief Executive Officer in the presence of the meeting.

- 8.14 A candidate may withdraw their nomination at any time prior to the election being conducted.
- 8.15 If a candidate is nominated for both the position of Mayor and Deputy Mayor and is successfully elected as Mayor, then their nomination for Deputy Mayor is deemed to be withdrawn.

9. PROCEDURE FOR ELECTION OF DEPUTY MAYOR OR ACTING MAYOR

- 9.1 Where the Council has resolved to elect a Deputy all provisions in rule 5 will apply to the election of the Deputy Mayor save that the Mayor shall preside over the election.

10. MAYOR TO TAKE THE CHAIR

- 10.1 After the election of the Mayor is determined, the Mayor must take the chair.
- 10.2 The Mayor must take the chair at all Council meetings at which he or she is present, unless precluded from doing so because of a conflict of interest.
- 10.3 In the absence of the Mayor, the Deputy Mayor, if previously elected, shall take the chair.

11. ACTING MAYOR

- 11.1 Council must appoint a Councillor to be the Acting Mayor when—
 - 11.1.1 Neither the Mayor nor any elected Deputy Mayor is able for any reason to attend a Council meeting or part of a Council meeting; or
 - 11.1.2 the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason, including illness; or
 - 11.1.3 the office of Mayor and Deputy Mayor are vacant.
- 11.2 An appointment under sub-rule 11.1 must be for a period specified by Council.
- 11.3 If—
 - 11.3.1 an appointment has not been made under sub-rule 11.1 or has expired; and
 - 11.3.2 any of the circumstances specified in sub-rule 11.1.1, 11.1.2 or 11.1.3 apply—
Council must appoint a Councillor to be the Acting Mayor for a period specified by Council.
- 11.4 An Acting Mayor—
 - 11.4.1 must perform the role of the Mayor; and
 - 11.4.2 may exercise any of the powers of the Mayor—
until the circumstances specified in sub-rule 11.1 no longer apply or the period of the appointment expires, whichever first occurs.
- 11.5 If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in the Act (except in sections 20 and 23, Division 4 of Part 2 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

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PART 3 – CONDUCT OF BUSINESS & MEETINGS

The purpose of this Part is to regulate the conduct of all meetings of the Council.

12. TYPES, DATES & TIMES OF MEETINGS

- 12.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.
- 12.2 Scheduled Meetings:
- 12.2.1 At or before the last Meeting each calendar year, Council must fix the date, time and place of all scheduled Council Meetings and any Delegated Committee Meetings for the following calendar year.
- 12.3 Unscheduled Meetings:
- 12.3.1 Council may by resolution call an unscheduled Meeting of the Council.
- 12.3.2 The Mayor and one Councillor, or three Councillors may by written notice call an unscheduled Meeting of the Council.
- 12.3.3 The CEO, following consultation with the Mayor, may call an unscheduled meeting.
- 12.3.4 A written notice to call an unscheduled Meeting must:
- (a) Specify the business to be transacted; and
 - (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with Rule 15.
- 12.3.5 The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:
- (a) the urgency of the business to be transacted;
 - (b) the availability of Councillors; and
 - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- 12.3.6 Any resolution of Council to call an unscheduled Meeting must specify the date and time of the unscheduled Meeting and the business to be transacted. The date and time of the unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.
- 12.3.7 The Chief Executive Officer must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- 12.3.8 The unscheduled Meeting for the election of a Mayor following an election may also consider the election of a Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- 12.3.9 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Councillors are present, and by unanimous resolution determine to admit another matter.
- 12.4 Council by resolution, may change the date, time and place of any Council meeting and must provide reasonable notice, of the change to the public.

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13. POSTPONEMENT

- 13.1 In the case of an emergency, the Chief Executive Officer or Delegate or, in the absence of both, a Senior Officer, may postpone a Council Meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- 13.2 The Chief Executive Officer, Delegate or Senior Officer must submit a full written report of the circumstances requiring their action in respect of the emergency postponement at the next Council Meeting.

14. MEETINGS OPEN TO THE PUBLIC

- 14.1 Council is committed to transparency in decision making and, in accordance with the Act, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- 14.2 Meetings will only be closed to members of the public if:
- (a) there are clear reasons for particular matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the meeting to proceed in an orderly manner.
- 14.3 If a meeting is closed to the public for the reasons outlined in sub-rule 14.2(b) or 14.2(c), the meeting will continue to be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council website.

15. NOTICE OF MEETINGS & AGENDA

- 15.1 The Chief Executive Officer must give notice of any meeting of the Council to the public by advertising the meeting on Council's website.
- 15.2 Advertising of meetings may be done, as either:
- (a) a schedule of meetings annually; or
 - (b) at various times throughout the year; or
 - (c) prior to each meeting, unless extraordinary circumstances exist.
- 15.3 In the event of an unscheduled Council Meeting, a notice of Meeting must be delivered to every Councillor at least 2 days before the meeting. A period less than 2 days may, however, be justified if exceptional circumstances exist.
- 15.4 An electronic agenda will be delivered to Councillors at least 48 hours before a scheduled Council Meeting.
- 15.5 Despite sub-rule 15.4, the Chief Executive Officer may deliver an agenda for a unscheduled Council Meeting to Councillors in less than 48 hours, if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.
- 15.6 An electronic agenda (excluding any confidential items), must be available to the public on Council's website at least 24 hours before a Council Meeting, unless extraordinary circumstances exist.

16. CHAIRPERSON'S DUTIES & RESPONSIBILITIES

The Chairperson's duties and responsibilities are to:

- 16.1 Formally declare the meeting open, after ascertaining that a quorum is present, conduct the Acknowledgement of Country and to welcome those in the gallery and other visitors;

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- 16.2 Preside over and control the meeting, conduct it impartially and according to these Governance Rules in order to ensure the smooth passage of the business;
- 16.3 Sign minutes of meetings as correct when they have been confirmed;
- 16.4 Present any reports for which they are responsible;
- 16.5 Ensure that debate is conducted in the correct manner;
- 16.6 Declare the results of all votes;
- 16.7 Give rulings on points of order and other questions of procedure;
- 16.8 Preserve order, and, if necessary, name offending members; and
- 16.9 Adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

17. QUORUM

- 17.1 A quorum is a majority of the number of Councillors entitled to be present and to vote at the meeting.
- 17.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
 - 17.2.1 The meeting shall be deemed to have lapsed;
 - 17.2.2 The Mayor must convene another Council meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting which is deemed to have lapsed; and
 - 17.2.3 The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- 17.3 If a quorum fails after a Council meeting has begun, the meeting lapses.
- 17.4 If the meeting lapses, the undisposed business must be included in the agenda for the next Council Meeting.

18. INABILITY TO MAINTAIN A QUORUM DUE TO DISCLOSED CONFLICTS OF INTEREST

- 18.1 This rule applies if Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.
- 18.2 Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- 18.3 For the purposes of sub-rule 18.2, an **alternative manner** may include—
 - 18.3.1 resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - 18.3.2 making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- 18.4 Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must decide to establish a Delegated Committee to make the decision in regard to the matter consisting of—
 - 18.4.1 all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - 18.4.2 any other person or persons that Council considers suitable.

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18.5 Section 63(2) of the Act applies to a Delegated Committee established under sub-rule 18.4 to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.

19. ADJOURNED MEETINGS

19.1 Council may, by resolution, adjourn any meeting to a later time on the same day, or for a period not exceeding 7 days.

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

20. TIME LIMITS FOR COUNCIL MEETINGS

20.1 A Council Meeting must start within 30 minutes of the advertised start time.

20.2 A Council Meeting will not continue after 11pm unless a majority of Councillors present vote in favour of its continuance.

20.3 In the absence of such continuance, a Council meeting must stand adjourned to a time, date and place announced by the Chairperson immediately prior to the meeting standing adjourned.

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

21. JOINT COUNCIL MEETINGS

21.1 Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While some matters that are worked on in partnership it is possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

21.2 Council may resolve to participate in a Joint Council meeting to consider:

- (a) Matters subject to discussion of regional alliance;
- (b) Collaborative projects;
- (c) Collaborative procurement; and
- (d) Emergency Response.

21.3 If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.

21.4 Where Golden Plains Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting.

21.5 A majority of Councillors will be appointed to represent Council at a Joint Council meeting.

21.6 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.

21.7 A joint briefing arranged in accordance with this Rule may be held electronically.

22. LEAVE OF ABSENCE

22.1 Any Councillor seeking leave of absence from Council duties must do so at a prior Council meeting or, if this is not practicable, the Councillor must give the Chief Executive Officer written notice of an apology prior to the Council meeting.

GOVERNANCE RULES

- 22.2 Unless there is an emergency, a leave of absence requested during a Council meeting will only be granted at the end of a motion and not during a debate.
- 22.3 Pursuant to the Act, absence from 4 consecutive meetings of the Council without leave having been obtained from the Council will result in the office of the Councillor becoming vacant.
- 22.4 It will not be necessary for a notice of meeting, agenda or minutes to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing, to continue to give notice of any meeting to be held during the period of their absence.

23. CONFLICTS OF INTEREST

- 23.1 Obligations with regard to conflicts of interest are as set out and defined in the *Local Government Act 2020*. In addition:

23.1.1 Councillors, members of Delegated Committees and Council staff are required to:

- (a) Avoid - all situations which may give rise to conflicts of interest;
- (b) Identify - any conflicts of interest; and
- (c) Disclose – or declare all conflicts of interest.

23.2 Councillors and Members of Delegated Committees

23.2.1 May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

23.2.2 When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.

- 23.3 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

- 23.4 Council will maintain a Conflict of Interest Register. The Register will be kept by the Governance team. Any request for access to be made in writing and will be considered under Councils Public Transparency Policy and the *Freedom of Information Act 1982*.

23.5 Procedure at a Council or Delegated Committee Meeting

23.5.1 At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- (a) The item for which they have a conflict of interest; and
- (b) Whether their conflict of interest is general or material; and
- (c) The circumstances that give rise to the conflict of interest.

23.5.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.

23.5.3 A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule 23.5.1 prior to leaving the meeting.

23.5.4 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

GOVERNANCE RULES

- 23.6 Procedure at other meetings organised, hosted or supported by Council
- 23.6.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- 23.6.2 At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 23.6.3 If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 23.6.4 At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- 23.6.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 23.6.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- 23.6.7 The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 23.6.8 Meeting records and reports will be presented to Council for noting and inclusion on the public record.
- 23.7 Council staff:
- 23.7.1 Must act in accordance with the Employee Code of Conduct.
- 23.7.2 Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 23.7.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.
- 23.8 Procedure for disclosures of conflicts of interest by Council Staff
- 23.8.1 Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- 23.8.2 All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- 23.8.3 Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
- (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - (c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
 - (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

GOVERNANCE RULES

24. ORDER & CONTENT OF BUSINESS

- 24.1 The order of business to be conducted at a Council meeting will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- 24.2 After an agenda has been sent to Councillors, the order of business for that meeting may only be altered by a resolution of the Council. This includes a request for an item to be brought forward.
- 24.3 After consulting with the Mayor, the Chief Executive Officer may include any matter on an agenda which they assess should be considered at the meeting.

25. NOTICE OF MOTION

- 25.1 A Notice of Motion must:
- 25.1.1 Be in writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;
 - 25.1.2 Be signed by the councillor intending to move the motion. The motion at the meeting to be dealt with in accordance with rule 33;
 - 25.1.3 Be lodged with the Chief Executive Officer by 5pm 6 days prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the agenda for the next Council meeting.
 - 25.1.4 Relate to the objectives, role and functions of Council as outlined in the Act.
- 25.2 A Notice of Motion must call for an officer report if the Notice of Motion proposes any action that:
- 25.2.1 impacts the levels of Council services;
 - 25.2.2 commits Council to expenditure greater than \$10,000 that is not included in the adopted budget;
 - 25.2.3 proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - 25.2.4 commits Council to a contractual arrangement; and/or
 - 25.2.5 concerns any litigation in respect of which the Shire is a party.
- 25.3 The Chief Executive Officer will give all Councillors notice of a Notice of Motion received in accordance with sub-rule 25.1.
- 25.4 A Councillor may attach any supporting documentation to their Notice of Motion for inclusion in the agenda.
- 25.5 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.
- 25.6 The Chairperson must not accept any Notice of Motion which in the opinion of the Chief Executive Officer or Chairperson:
- 25.6.1 Is defamatory; or
 - 25.6.2 Is objectionable in language or nature; or
 - 25.6.3 Is outside the powers of the Council; or
 - 25.6.4 Is identical or substantially similar to a Notice of Motion or other Motion that has been considered by Council in the preceding three (3) months; or
 - 25.6.5 Does not meet the requirements of clause 25.2.

GOVERNANCE RULES

- 25.7 The Chief Executive Officer may reject a Notice of Motion if it:
- 25.7.1 relates to a matter that can be addressed through the operational service request process; or
 - 25.7.2 relates to a matter that has previously been resolved by Council or is acted upon; or
 - 25.7.3 is identical or substantially similar to a Notice of Motion or other Motion that has been considered by Council in the preceding three (3) months.
- 25.8 Except by resolution of Council, Notices of Motion before any Council meeting must be considered in the order in which they were recorded in the Notice of Motion register.
- 25.9 Before a Notice of Motion at a Council meeting is moved, the Councillor may introduce it by indicating, in not more than 3 minutes:
- 25.9.1 Its intent; and/or
 - 25.9.2 The desired outcome if passed.
- 25.10 If a Councillor who has given a Notice of Motion:
- 25.10.1 Is absent from the Council meeting; or
 - 25.10.2 Fails to move the motion when called upon by the Chairperson;
- any other Councillor may move the Notice of Motion.
- 25.11 If a Notice of Motion is not moved and seconded at the Council meeting in which it was included on the agenda, it lapses.
- 25.12 Before the Notice of Motion is put to the vote, it may be withdrawn by the Councillor.
- 25.13 Once a Notice of Motion has lapsed or been lost at a Council meeting, a similar motion to the same effect, with or without amendment, even if in a different form, cannot be returned to a Council meeting within 3 months from the date a similar motion was considered by Council.
- 26. NOTICE OF MOTION TO RESCIND OR AMEND**
- 26.1 A Councillor may propose a motion to rescind or amend a previous resolution of Council. A Notice of Motion to rescind or amend must be:
- 26.1.1 In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;
 - 26.1.2 Be signed by the Councillor intending to move the motion to rescind or amend;
 - 26.1.3 Be signed by another Councillor willing to second the motion to rescind or amend for the purpose of debate at the meeting in which it will be considered. The motion at the meeting to be dealt with in accordance with rule 33; and
 - 26.1.4 Be lodged with the Chief Executive Officer no later than 72 hours following the meeting at which the resolution proposed to be rescinded or amended was adopted.
- 26.2 No action will be taken to implement a resolution on which a notice to rescind or amend the resolution has been given pursuant to sub-rule 26.1.
- 26.3 The Chief Executive Officer will give all Councillors notice of a Notice of Motion to rescind or amend received in accordance with sub-rule 26.1.
- 26.4 A Councillor may not propose a motion to rescind or amend a resolution of the Council which has been acted upon.

GOVERNANCE RULES

- 26.5 A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has commenced or been carried out.
- 26.6 When moving a Notice of Motion to rescind or amend at a Council meeting, the Councillor may introduce it by indicating, in not more than 3 minutes:
- 26.6.1 Its intent; and/or
 - 26.6.2 The desired outcome if passed.
- 26.7 If a Councillor who has given a Notice of Motion to rescind or amend:
- 26.7.1 Is absent from the Council meeting; or
 - 26.7.2 Fails to move the motion when called upon by the Chairperson;
- any other Councillor may move the Notice of Motion to rescind or amend.
- 26.8 A Notice of Motion to rescind or amend a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- 26.9 If a Notice of Motion to rescind or amend is not seconded at the next meeting at which such business may be transacted, it lapses.
- 26.10 Before the Notice of Motion to rescind or amend is put to the vote, it may be withdrawn by the Councillor who moved the Notice of Motion to rescind or amend.
- 26.11 A second or subsequent notice to rescind or amend an earlier resolution must not be accepted by the Chief Executive Officer until a period of 3 months has elapsed since the date of the meeting at which the previous motion of rescission or amendment was dealt with.
- 27. PROCEDURAL MOTIONS**
- 27.1 Procedural motions, unless otherwise prohibited, may be moved at any time and shall be dealt with in accordance with the Schedule.
- 27.2 Procedural motions require a seconder.
- 27.3 Debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 27.4 A procedural motion cannot be amended.
- 28. URGENT BUSINESS**
- 28.1 Business must not be admitted as urgent business unless:
- 28.1.1 It relates to or arises out of a matter which has arisen since distribution of the agenda;
 - 28.1.2 It cannot safely or conveniently be deferred until the next Council Meeting;
 - 28.1.3 It cannot be addressed through the operational service request process; and
 - 28.1.4 The Council resolves to admit an item considered to be urgent business.
- 28.2 Items of urgent business are to be supported by an officer's report.
- 28.3 Notices of Motion will not be admitted into urgent business and will be dealt with in accordance with rule 25.
- 28.4 Unless a majority of Councillors are present and resolve to deal with another matter as urgent business, no business can be transacted at a Council Meeting unless it appears on the agenda.

GOVERNANCE RULES

29. REPORTS FROM OFFICERS

- 29.1 Any report(s) by officers to a Council meeting must contain a recommendation and be in the appropriate report style format approved by the Chief Executive Officer.
- 29.2 When officer reports are before a Council meeting and after all Councillors have had an opportunity to ask questions in relation to the report, the Chairperson must then ask a Councillor to move an appropriate motion. If the motion is seconded the motion is to be dealt with in accordance with rule 33.

30. REPORTS FROM DELEGATED COMMITTEES

- 30.1 Any report(s) by a Delegated Committee to a Council meeting must contain a recommendation and must be listed on the next scheduled Council meeting agenda.
- 30.2 When the report(s) of a Delegated Committee is before a Council meeting:
- 30.2.1 The Chairperson must ask whether any Councillor wishes to speak to any report and record the item number of any such report; and
- 30.2.2 After all Councillors have indicated the reports to which they wish to speak, the Chairperson may ask for a motion to adopt all reports to which no requests to speak have been expressed and proceed to deal with that motion.
- 30.2.3 The Chairperson of the Audit and Risk Committee may request a report be tabled at any Council meeting.

31. CONFIDENTIAL REPORTS

- 31.1 The Chief Executive Officer must ensure that a report is classified as confidential if the Chief Executive Officer considers it has been prepared for consideration in respect of a matter which is expected to be the subject of a resolution under section 66 of the Act to close the Council meeting to the public while that report is discussed.
- 31.2 The Chairperson must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to confidential reports. The time of this motion must be recorded in the minutes of the meeting.
- 31.3 The motion must contain the reasons why the meeting is being closed to the public by referencing that it is pursuant to the Act and inserting the appropriate clause for each closed item. All confidential reports to be considered must be listed as part of this motion.
- 31.4 The Chairperson must advise those present in the gallery that an item is required to be considered in a closed meeting and request that they vacate the chamber while the confidential matter(s) is/are discussed and determined.
- 31.5 The Chairperson must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.
- 31.6 If an item or recommendation is to be moved out of the closed part of the meeting:
- 31.6.1 The Chairperson must call for a motion to move all or part of the item or items into open Council; and
- 31.6.2 That report or section must be included in the minutes of the Council Meeting showing the Council decision that was made in the closed section of the meeting.
- 31.7 All items that are considered confidential pursuant to section 66 of the Act remain confidential until Council has passed a resolution that the information is no longer confidential.
- 31.8 At the time of making a determination on a confidential item, Council may also make a determination on a date, action, or event upon which the confidentiality no longer applies to the determination.

GOVERNANCE RULES

32. KEEPING OF MINUTES

- 32.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer) must keep minutes of each Council Meeting and those minutes must record:
- 32.1.1 The date, place, time and nature of the meeting;
 - 32.1.2 The names of the Councillors present and those who have submitted apologies or been granted leave of absence;
 - 32.1.3 The disclosure of conflicts of interest made by a Councillor or officer in accordance with rule 18;
 - 32.1.4 Arrivals and departures (including temporary) of Councillors during the course of the meeting;
 - 32.1.5 Each motion and amendment moved and seconded;
 - 32.1.6 The vote cast by each Councillor upon a division;
 - 32.1.7 Questions upon notice;
 - 32.1.8 The failure of a quorum;
 - 32.1.9 When requested by a Councillor, a record of their opposition to any motion;
 - 32.1.10 Any adjournment of the Council meeting and the reasons for that adjournment; and
 - 32.1.11 Public representations;
 - 32.1.12 Questions upon notice;
 - 32.1.13 The time at which Standing Orders were suspended and resumed;
 - 32.1.14 Closure of the meeting to members of the public and the reasons for such closure in accordance with rule 26;
 - 32.1.15 Any other matter which should be recorded to clarify the intention and conduct of the meeting or the reading of the minutes.

33. CONFIRMATION OF MINUTES

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as set out below:

- 33.1 The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:
- 33.1.1 Councillors, by electronic means, within 7 business days of the Council Meeting they relate to;
 - 33.1.2 members of the public, by publishing them on Council's website, within 9 business days of the Council Meeting they relate to.
- 33.2 At every Council Meeting a motion must be put for the confirmation of the Minutes of the preceding Council Meeting.
- 33.3 If the minutes have not been delivered, they must be read and a motion must be put for the confirmation of the minutes.
- 33.4 The minutes must be signed by the Chairperson of the meeting at which they have been confirmed.
- 33.5 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.
- 33.6 Council may defer the confirmation of minutes until later in the Council meeting or until the next Council meeting if considered appropriate.

GOVERNANCE RULES

- 33.7 Council Meeting minutes from meetings that are open to the public will be confirmed in the open section of the agenda. Minutes from closed meetings will be confirmed in the closed section of the meeting.
- 33.8 Following the confirmation of the Minutes, they must be published on Council's website.
- 34. LIVESTREAM BROADCAST AND DIGITAL RECORDINGS OF PROCEEDINGS**
- 34.1 Council will livestream broadcast and/or digitally record the proceedings at each open Council meeting unless it is not possible to do so.
- 34.2 Where Council livestream broadcasts and/or digitally records meetings, visitors will be advised by appropriate venue signage.
- 34.3 Except where Council conducts the livestream broadcast and/or digital recording itself, no other broadcast or digital recording shall be permitted by any other person or visitor without specific approval by resolution of the meeting.
- 34.4 Council will make the livestream broadcasts and/or digital recordings of open Council meetings available to the public on its website.
- 34.5 The Chair and/or the CEO, have the discretion and authority to at any time, direct the termination or interruption of the livestream broadcast and/or digital recordings. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.
- 34.6 The livestream broadcasts and/or digital recordings will stop during to the closed section of a meeting.

GOVERNANCE RULES

PART 4 – CONDUCT OF DEBATE & VOTING

The purpose of this Part is to regulate the conduct of debate and voting at all meetings of the Council.

35. ADDRESSING THE COUNCIL MEETING

- 35.1 Any Councillor or person who addresses the meeting should stand and direct all remarks through the Chairperson.
- 35.2 Despite sub-rule 35.1, the Chairperson may permit any Councillor or person to remain seated whilst addressing the Chairperson, at their discretion.
- 35.3 Any person addressing the chair should refer to the Chairperson as:
- 35.3.1 Madam Mayor;
 - 35.3.2 Mr Mayor;
 - 35.3.3 Madam Chairperson; or
 - 35.3.4 Mr Chairperson;
- as the case may be.
- 35.4 All Councillors, other than the Mayor, should be addressed as Councillor (surname).
- 35.5 All officers should be addressed as Ms or Mr (surname).
- 35.6 The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
- 35.6.1 They are called to order;
 - 35.6.2 Their speaking time has expired;
 - 35.6.3 A point of order is raised; or
 - 35.6.4 A procedural motion is moved.

36. PRIORITY OF ADDRESS

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

37. SPEAKING TIMES

- 37.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:
- 37.1.1 The mover of a motion or an amendment: 3 minutes;
 - 37.1.2 The seconder of motion or an amendment: 3 minutes;
 - 37.1.2 Any other Councillor: 3 minutes; and
 - 37.1.3 The mover of a motion exercising a right of reply: 2 minutes.

GOVERNANCE RULES

38. CONDUCT OF MOTIONS, AMENDMENTS & QUESTIONS

38.1 A motion, amendment or question must:

38.1.1 Not be defamatory;

38.1.2 Not be objectionable in language or nature;

38.1.3 Relate to the powers or functions of Council;

38.1.4 Be in writing, if requested by the Chairperson;

38.1.5 Except in the case of urgent business, be relevant to an item of business on the agenda; and

38.1.6 Be moved and seconded, otherwise it lapses.

38.2 The Chairperson may refuse to accept any motion, amendment or question which contravenes sub-rule 38.1 or which:

38.2.1 Is not relevant to the item of business on the agenda and has not been admitted as urgent business; or;

38.2.2 Purports to be an amendment but is not.

39. CHAIRPERSON'S RIGHT TO SPEAK

39.1 The Chairperson may address a meeting upon any matter under discussion, following presentations by all Councillors, and is not deemed to have left the chair on such occasions

39.2 The Chairperson may choose to vacate the chair for the duration of any item under discussion whereupon a temporary Chairperson (usually the Deputy Mayor) or other Councillor appointed by the meeting shall take the chair until the item has been disposed of.

40. PROCEDURES WITH RESPECT TO SEEKING CLARIFICATION OR ASKING QUESTIONS OF OFFICERS

40.1 Officers will support the meeting process through provision of officer reports in the agenda and Councillors should make every effort to seek clarification on information in advance of the meeting.

40.2 Where Councillors need to seek clarification by asking questions of officers during the meeting that were not able to be asked prior to the meeting, such questions must be:

40.2.1 Directed through the Chief Executive Officer;

40.2.2 Relevant to an item on the agenda;

40.2.3 Seeking genuine clarification of a matter that is not already addressed in the officer's report;

40.2.4 Not objectionable in language, nature or tone;

40.2.5 Not intended to draw officers into debating a matter or justifying a recommendation; and

40.2.6 Not designed to canvass matters or disseminate information to the public.

41. PROCEDURES WITH RESPECT TO RECOMMENDATIONS & MOTIONS

41.1 The Chairperson will briefly summarise the report and recommendation or allocate this role to the Chief Executive Officer (or other officer authorised by the Chief Executive Officer).

41.2 The Chairperson will call for a mover and seconder of a motion.

GOVERNANCE RULES

- 41.3 If there is no mover and/or seconder the motion lapses.
- 41.4 The Chairperson shall ask immediately after a motion is moved and seconded and after the mover has spoken to the motion (or deferred speaking), whether it is opposed. If no opposition is indicated the Chairperson may then put the motion to the vote, without debate.
- 41.5 A motion can only be withdrawn by the mover if the seconder provides their consent which must occur before the motion is put to the vote.
- 41.6 After a motion is put to the vote, the Chairperson must declare the result to the Council meeting.
- 41.7 The mover of a motion has the right of reply with respect to the debate on their motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- 41.8 Apart from the mover's right of reply referred to in sub-rule 41.7 a Councillor may only speak once on a motion.
- 41.9 The mover of a motion must not introduce new material when exercising any right of reply.

42. MOTIONS IN WRITING

- 42.1 The Chairperson may require that a complex or detailed motion be in writing.
- 42.2 The Chairperson may adjourn the meeting while the motion is being written or may defer the matter in the order of business, until the motion has been written.

43. PROCEDURES WITH RESPECT TO AMENDMENTS

- 43.1 A motion having been moved and seconded may be amended by omitting, inserting or adding words.
- 43.2 No notice needs to be given of any amendment.
- 43.3 Amendments must be dealt with 1 at a time.
- 43.4 The Councillor who desires to amend the motion is the mover of the amendment which must be seconded.
- 43.5 If the amendment is not seconded the amendment lapses.
- 43.6 An amendment must be relevant to the motion upon which it is moved.
- 43.7 An amendment must not amount to a direct contradiction of the motion.
- 43.8 The mover or seconder of a motion cannot move an amendment to it.
- 43.9 A subsequent amendment cannot be moved until the immediately preceding amendment is disposed of.
- 43.10 A Councillor proposing an amendment must first state briefly the nature of the amendment and then move it, without speaking to it.
- 43.11 After the amendment has been seconded the Chairperson must call upon the mover of the amendment to speak to the amendment.
- 43.12 After the mover of the amendment has spoken the Chairperson must call upon the seconder to speak to the amendment. The seconder can reserve their right.
- 43.13 After the mover and seconder of the amendment have spoken the Chairperson must call upon any other Councillor who may wish to speak to the amendment.

GOVERNANCE RULES

43.13.1 An amendment can only be withdrawn by the mover if the seconder provides their consent which must occur before the amendment is put to the vote.

43.14 After all other Councillors have spoken to the amendment or if no Councillor has indicated an intention to speak, the Chairperson will put the amendment to the vote.

43.15 The mover has no right of reply when an amendment is before the Council.

43.16 If a proposed amendment effectively negates the substance of the motion, it is to be ruled a foreshadowed motion and rule 39 then applies. The foreshadowed motion shall only be considered in the event that the original motion is lost.

43.17 If an amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson after all Councillors have had an opportunity to speak to the motion, or be subject to amendment.

43.18 A Councillor cannot move more than 2 amendments in succession.

43.19 With the leave of the Chairperson, another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.

43.20 A Councillor can only speak once on an amendment.

44. PROCEDURES WITH RESPECT TO FORESHADOWED MOTIONS

44.1 After a motion has been moved and seconded, at any time during debate, a Councillor may foreshadow their intention to move an alternate motion.

44.2 A foreshadowed motion may be prefaced with a statement that in the event that a particular motion before the Chairperson is resolved in a certain way, a Councillor intends to move an alternative motion.

44.3 A Councillor who has foreshadowed a motion must not speak to the foreshadowed motion until such time as the original motion is disposed in accordance with rule 33.

44.4 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.

44.5 If the original motion is lost, the Councillor who first foreshadowed a motion must then move their motion and rule 33 then applies.

44.6 The Chief Executive Officer is not required to record foreshadowed motions in the minutes, until such time the foreshadowed motion becomes a motion if and when formally moved and seconded.

45. INTERRUPTIONS, INTERJECTIONS, QUESTIONS & RELEVANCE

45.1 A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.

45.2 If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, they must remain silent until the Chairperson has ceased speaking, the point of order has been determined, or the personal explanation has been given (as appropriate).

45.3 Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.

45.4 A Councillor must not digress from the subject matter of the motion or business under discussion.

GOVERNANCE RULES

46. REPEATING MOTION, AMENDMENT OR QUESTION

- 46.1 Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
- 46.2 The Chairperson without being so requested may direct the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) to read the question, motion or amendment to the meeting before the vote is taken.

47. DEBATE OF THE MOTION

- 47.1 Debate must always be relevant to the motion before the Chairperson, and if not, the Chairperson must request the speaker to confine the debate to the motion.
- 47.2 If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

48. ADJOURNMENT & RESUMPTION OF ADJOURNED DEBATE

- 48.1 The Council may by resolution adjourn a meeting to a later time on the day for which the meeting was called or for a period not exceeding 7 days.
- 48.2 When a motion to adjourn a meeting is before the Council, the Chairperson must not allow discussion on the motion to adjourn. If the Council fails to pass the motion to adjourn, the Chairperson must resume the meeting at the item of business under consideration.
- 48.3 The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Councillors.
- 48.4 If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

49. RULES FOR VOTING

- 49.1 Except where a Councillor may call for a division, Councillors must remain seated in silence while a vote is being taken.
- 49.2 Voting must be by a show of hands, in a way that enables those in attendance and those watching a livestream broadcast to clearly see which way a Councillor has voted at the time a vote is taken.
- 49.3 The Chairperson may direct that the vote be recounted as often as may be necessary to satisfy the Chairperson of the result.
- 49.4 A Councillor can abstain from voting however, the decision to do so should not be taken lightly. Not participating in decisions taken by Council could be seen as an abrogation of a Councillor's legislative duty and responsibility to represent the community.
- 49.5 In the event of a tied vote, the Chairperson may exercise a second vote in accordance with the Act.

50. DIVISION

- 50.1 Immediately after any motion, amendment or question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 50.2 When a division is called, the Chairperson must:
- 50.1.1 First ask each Councillor wishing to vote for the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive) must record the names of those Councillors voting for the motion;

GOVERNANCE RULES

50.1.2 Then ask each Councillor wishing to vote against the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors voting against the motion;

50.1.3 Then if not all Councillors have declared either for or against the motion, ask each Councillor wishing to abstain to stand. The Chairperson must then state, and the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) must record the names of those Councillors abstaining from voting.

50.2 The Chairperson must declare the result of the vote or division as soon as it is taken.

51. RECORDING OF OPPOSITION OR SUPPORT FOR MOTION

51.1 Any Councillor may request that their opposition to, or support for, a motion adopted by the meeting be recorded in the minutes of the Council meeting.

52. NO DISCUSSION ONCE DECLARED

52.1 Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is a Councillor requesting, before the next item of business is considered, that their opposition to the motion be recorded in the minutes.

53. POINTS OF ORDER

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

53.1.1 Contrary to these Governance Rules;

53.1.2 Defamatory;

53.1.3 Irrelevant;

53.1.4 Improper; or

53.1.5 Outside Council's legal powers and may be made despite the fact that the Councillor or Chairperson is speaking at the time.

53.2 A point of order must be taken by stating:

53.2.1 The matter complained of; and

53.2.2 The reason constituting the point of order;

53.3 The Chairperson must decide all points of order.

53.4 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.

53.5 The Chairperson may raise a point of order without it having been made by a Councillor.

53.6 When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.

53.7 The Chairperson must, when ruling on a point of order, give reasons for the ruling.

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54. DISAGREEMENT WITH CHAIRPERSON'S RULING

- 54.1 The Chairperson's ruling on a point of order shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chairperson's ruling is given.
- 54.2 A motion of dissent must state the provision or practice in substitution for the Chairperson's ruling.
- 54.3 A motion of dissent that is carried must be acted upon by the Chairperson.
- 54.4 The Chairperson is not required to vacate the chair.
- 54.5 Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of reply.
- 54.6 If the dissent motion is successful, the original point of order shall be deemed to be upheld and the Chairperson must then reverse their previous ruling and uphold the point of order.
- 54.7 The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence, and must not be so regarded by the meeting.

55. SUSPENSION OF STANDING ORDERS

- 55.1 The provisions of these Governance Rules, except the quorum requirements applying under rule 13, may be suspended by resolution of the Council for any part of a meeting at the Chairperson's discretion.
- 55.2 The Chairperson can accept a motion to suspend standing orders where they believe the Councillors or those present in the gallery need a break due to the intensity or length of the meeting, or to seek technical advice from a person not listed as an official attendee. Such suspension would normally be for 5 minutes or less.
- 55.3 A suspension is not intended for Councillors to discuss the issue or seek to reach agreement outside a formal debate and must not be used purely to dispense with the processes and protocol of the government of the Council.
- 55.4 No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson or be dealt with during any suspension of standing orders.
- 55.5 Resumption of standing orders should occur as soon as possible after any discussion or break is concluded and before any motions can be put.

56. CLARIFICATION BY CHIEF EXECUTIVE OFFICER OR ANOTHER OFFICER

- 56.1 With the prior consent of, or at the request of the Chairperson, the Chief Executive Officer (or other officer authorised by the Chief Executive Officer) may address any item to clarify a statement made by a Councillor during the course of debate.

57. ORDERING WITHDRAWAL OF REMARK

- 57.1 The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- 57.2 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

58. SUSPENSIONS

- 58.1 Council may by resolution suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct, provided the Councillor in question has received an initial warning from the Chairperson that their conduct is, in the Chairperson's opinion, impeding the orderly conduct of the meeting.

GOVERNANCE RULES

59. CHAIRPERSON MAY ADJOURN DISORDERLY MEETING

- 59.1 If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, they may adjourn the meeting to a later time on the same day or to some later day as they think proper.

GOVERNANCE RULES

PART 5 – PUBLIC PARTICIPATION IN MEETINGS

The purpose of this Part is to allow and regulate public participation in meetings of the Council.

60. PUBLIC PARTICIPATION IN COUNCIL MEETINGS POLICY

- 60.1 The Public Participation in Council Meetings Policy forms part of these Governance Rules.
- 60.2 The Chief Executive Officer will ensure that the Public Participation in Council Meetings Policy is available to the public on Council's website.

61. PUBLIC QUESTION TIME

- 61.1 Public question time shall be allowed at a meeting.
- 61.2 The processes and procedures for public question time are to be determined in a public participation in Council meetings policy.

62. PUBLIC PRESENTATIONS

- 62.1 Public presentations shall be allowed at a meeting.
- 62.2 The processes and procedures for public presentations are to be determined in a public participation in Council meetings policy.

63. PETITIONS & JOINT LETTERS

- 63.1 Petitions and joint letters shall be allowed at a meeting.
- 63.2 The processes and procedures for petitions and joint letters are to be determined in a public participation in Council meetings policy.

64. PUBLIC BEHAVIOUR

- 64.1 Members of the public will be requested to sign in before entering the meeting area.
- 64.2 Sign in sheets will be held by Council in accordance with the Information Privacy Principles as set out in the *Privacy and Data Protection Act 2014*.
- 64.3 Any member of the public addressing Council must extend courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

65. REMOVAL FROM MEETING

- 65.1 The Chairperson, or Council in the case of a suspension, may ask any member of Victoria Police or person appointed by Council to maintain security, to remove from the chamber or meeting room any person who acts in breach of these Governance Rules.

GOVERNANCE RULES

PART 6 - COMMITTEES

The purpose of this Part is to regulate proceedings at Committee meetings.

66. DELEGATED COMMITTEES

- 66.1 Council may establish Delegated Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Delegated Committees, their meeting procedures need to be formal.
- 66.2 If Council establishes a Delegated Committee, these Governance Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- 66.3 For the purpose of sub-rule 66.1:
- (a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
 - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- 66.4 If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

67. COMMUNITY ASSET COMMITTEES

- 67.1 The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee.
- 67.2 The Governance Rules may apply to any Community Asset Committee established by Council.
- 67.3 Council may resolve, in establishing a Community Asset Committee which provisions of these Governance Rules apply but as a minimum must include Rule 32 (Minutes).
- 67.4 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 67.5 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

68. AUDIT AND RISK COMMITTEE

- 68.1 The Act provides for Council to establish an Audit and Risk committee to provide oversight.
- 68.2 These Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Committee Charter.
- 68.3 Council may resolve, in establishing an Audit and Risk Committee that Part 4 and Part 5 of these Governance Rules do not apply.
- 68.4 An Audit and Risk Committee must report the minutes of all its Meetings to the next practicable Council meeting.
- 68.5 An Audit and Risk Committee must act in accordance with the Charter adopted by Council.

GOVERNANCE RULES

PART 7 – ELECTION PERIOD POLICY

69. ELECTION PERIOD POLICY

- 69.1 Council will have in place an election period policy that:
- 69.1.1 Governs decision making during a local government election period, including what may be considered at a Council meeting;
 - 69.1.2 Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - 69.1.3 Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events, and activities of Delegated Committees established by Council;
 - 69.1.4 Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - 69.1.5 Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and
 - 69.1.6 Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election.
- 69.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- 69.3 The Election Period Policy forms part of these Governance Rules.
- 69.4 The operation of Council Delegated Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 69.5 Any outstanding Delegated Committee Reports may still be reported to a meeting of Council during this period.
- 69.6 Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

PART 8- COMMON SEAL

The purpose of this Part is to:

- *regulate the use of the Common Seal, which is a device which formally records the making of a Council decision; and.*
- *prohibit the use of the Common Seal or any device resembling the Common Seal.*

70. COMMON SEAL

70.1 The Council must authorise the use of the Common Seal by resolution.

70.2 The Common Seal and words to be used accompanying it on any document to which it is affixed are as follows:

*The COMMON SEAL of GOLDEN PLAINS)
 SHIRE COUNCIL was affixed in the)
 presence of:)*

[Affix common seal here]

.....
Chief Executive Officer

.....
Mayor/Deputy Mayor

70.3 The Chief Executive Officer and, either the Mayor or Deputy Mayor, must sign every document to which the Common Seal is affixed. The Common Seal may only be used pursuant to a decision of Council.

70.4 The Chief Executive Officer must keep the Common Seal in safe custody at all times.

70.5 A register detailing the use of the Common Seal must be maintained by the Chief Executive Officer.

GOVERNANCE RULES

These Governance Rules were made by resolution of the Golden Plains Shire Council 26 October 2021.

The COMMON SEAL of GOLDEN PLAINS
SHIRE COUNCIL was affixed in the
presence of:

DocuSigned by:

Eric Braslis

D43020A1548E475...

Chief Executive Officer

DocuSigned by:

Aelen Pulos

D8345DDBA7574B5...

Mayor/Deputy Mayor



DOCUMENT HISTORY

Version	Document History	Adopted by Council	Updated on website
1	New document	25 August 2020	26 August 2020
2	Amendment	26 October 2021	

GOVERNANCE RULES

SCHEDULE - PROCEDURAL MOTIONS - PROCEDURE & EFFECT

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

GOVERNANCE RULES

Motion	Form	Mover/ Secondder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No