

FLYING MINUTE: SUBMISSION ON STANDARDISED MEETING PROCEDURES

By James McGovern, Manager Governance and Procurement

WALGA RECOMMENDATION

That State Council endorse the submission on Standardised Meeting Procedures.

RESOLUTION 241.FM/2024

CARRIED

EXECUTIVE SUMMARY

- An element of the State Government's Local Government Reform Proposals is to introduce standardised meeting procedures as regulations, and thereby discontinue the making of local laws for this purpose.
- Sector consultation on the Reform Proposals indicated broad support for standardised meeting procedures.
- The Department of Local Government, Sport and Cultural Industries released a Consultation Paper in February 2024, seeking sector feedback on the proposed standardised meeting procedures with consultation closing on 29 May 2024.
- WALGA released a companion Discussion Paper raising matters for consideration to assist Local Governments with their assessment of the proposed meeting procedures and to assist WALGA develop a sector position on the proposals.
- Feedback on the Discussion Paper closed end of April to facilitate developing a Flying Minute to State Council by the consultation closing date of 29 May 2024. On 29 May 2024, the DLGSC extended the deadline to 7 June 2024.

ATTACHMENT

- WALGA Submission - Standardised Meeting Procedures

POLICY IMPLICATIONS

Nil

BUDGETARY IMPLICATIONS

Nil

BACKGROUND

The Department of Local Government, Sport and Cultural Industries commenced consultation on the standardising of council and committee meeting procedures by releasing a Consultation Paper in February 2024.

The Consultation Paper provides the following summary of the purpose and intent of the proposals:

The State Government is implementing a number of reforms to the Local Government Act 1995 (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising council and committee procedures is part of these reforms. Establishing a consistent approach to all local government council and committee meetings will make it easier and simpler for people to participate in and observe council meetings, wherever they are held.

Establishing one standard is expected to simplify and improve training for council members and local government staff. It can also strengthen the enforcement of breaches of meeting procedures.

The consultation period closing date is 29 May 2024. In response, WALGA developed a Discussion Paper with a view to being read in conjunction with the Consultation Paper, to facilitate a considered response to the 34 questions posed by the Department.

WALGA sought feedback on the Discussion Paper by 29 April 2024 to permit a sector response to be lodged by the consultation period closing date. A total of 35 responses were received by WALGA and the responses are summarised in the submission.

COMMENT

Respondent Local Governments are generally supportive of proposals and a brief summary of alternative views and matters for consideration is provided below:

- **Public Question Time:** Respondents agreed there needs to be a balance between public participation at meetings and managing the business of the meeting that results in decision-making.
- **Special Council Meetings:** Respondents recognised the need to deal with urgent or emergency situations.
- **Urgent Business:** The procedures recommend adding controls to urgent business, which are generally supported. However the proposal for the CEO to report to the Department each occasion Council agrees to deal with urgent business, is not supported.
- **Procedural Motions:** Respondents did not support all proposals to increase the range of procedural motions and will look for reassurance that standardised meeting procedures do not permit undue interference in the conduct of a meeting.
- **Meetings of Electors:** There is support for the standardised meeting procedures to apply to Elector's Meetings to ensure consistency across the sector.
- **Powers of Presiding Person:** Respondents recognise the importance of powers provided to the presiding person to manage the meeting and the conduct of those present.
- **Red Tape Reduction:** An additional theme that featured in responses is the Local Government sector seeks to avoid the creation of unnecessary red tape that does not already feature in contemporary meeting procedures.

It is expected there will be further consultation on the proposed regulations once the Department has analysed feedback on its Consultation Period. WALGA will seek opportunity to comment during this development stage to ensure that future standardised meeting procedures facilitate efficient, orderly and participative council and committee meetings.

FLYING MINUTE OUTCOME

Poll created: 21/05/2024 at 17:30

Poll closed: 27/05/2024 at 23.59

The submission was endorsed.

Following feedback from State Councillors during the Flying Agenda process, the following changes were made to the submissions as follows:

Question 16: Orderly Conduct of Meetings – The submission has been amended to strongly oppose the proposal that Council can vote to rescind a direction given by the presiding member that relates to maintaining order at a meeting.

Question 20: Maximum speaking time in debate – The submission was amended to recommend that both 5-minute duration and 3-minute duration of speeches in debate be considered, reflecting that both time limits are currently in practice.

Question 27: Adverse Reflection – The submission has been amended to include a comment supporting the proposal that a clear definition of adverse reflection will be included, to minimise prospect of misinterpretation.

Question 34: Any other matters – The submission has been amended to include commentary that the new regulations be drafted on the principle of supporting Local Government's general competence powers.

Standardised Meeting Procedures

WALGA Submission

May 2024

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About WALGA

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector.

Our membership includes all 139 Local Governments in the State. WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities.

We do this through effective advocacy to all levels of Government on behalf of our Members, and by the provision of expert advice, services and support to Local Governments.

WALGA's vision is for agile and inclusive Local Governments, enhancing community wellbeing and enabling economic prosperity.

Contact

Tony Brown
Executive Director, Member Services
WALGA
Level 1/170 Railway Parade, West Leederville
Email: tbrown@walga.asn.au

James McGovern
Manager Governance & Procurement
WALGA
Level 1/170 Railway Parade, West Leederville
Email: jmcgovern@walga.asn.au

Executive Summary

The Department of Local Government, Sport and Cultural Industries (DLGSC) commenced consultation on the standardising of council and committee meeting procedures by releasing a Consultation Paper in February 2024.

The Consultation Paper provides the following summary of the purpose and intent of the proposals:

The State Government is implementing a number of reforms to the Local Government Act 1995 (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising council and committee procedures is part of these reforms. Establishing a consistent approach to all local government council and committee meetings will make it easier and simpler for people to participate in and observe council meetings, wherever they are held.

Establishing one standard is expected to simplify and improve training for council members and local government staff. It can also strengthen the enforcement of breaches of meeting procedures.

The consultation period closing date is 29 May 2024.

In response, WALGA developed a Discussion Paper with a view to being read in conjunction with the Consultation Paper, to facilitate a considered response to the 34 questions posed by DLGSC.

WALGA sought feedback on the Discussion Paper by 29 April 2024 to permit a sector response to be lodged by the consultation period closing date. A total of 35 responses were received by WALGA and the responses are summarised in this Submission.

Respondent Local Governments are generally supportive of proposals and a brief summary of alternative views and matters for consideration is provided below:

- Public Question Time: The standardised meeting procedures ('the procedures') focus on improving the existing rights of members of the public to ask questions at Council meetings. Respondents agreed there needs to be a balance between public participation at meetings and managing the business of the meeting that results in decision-making.
- Special Council Meetings: The procedures recommend at least 24 notice be given for any Special Council Meeting. Respondents recognised the need to deal with urgent or emergency situations.
- Urgent Business: The procedures recommend adding controls to urgent business, which are generally supported. However the proposal for the CEO to report to DLGSC each occasion Council agrees to deal with urgent business, is not supported.
- Compulsory Meeting Closure Time: The procedures recommend that all Council meetings end at 11pm. Respondents appreciate the principle - to mitigate against poor decision-making due to fatigue - but note the proposal does not recognise there is a variety of meeting start times.
- Procedural Motions: Respondents did not support all proposals to increase the range of procedural motions and will look for reassurance that standardised meeting procedures do not permit undue interference in the conduct of a meeting.

- Meetings of Electors: There is support for the standardised meeting procedures to apply to Elector's Meetings to ensure consistency across the sector.
- Powers of Presiding Person: Respondents recognise the importance of powers provided to the presiding person to manage the meeting and the conduct of those present.
- Petitions: Respondents provided a range of comment on petitions which appear to reflect the diversity of practices current established by each Local Government. Some respondents appear satisfied to adopt an informal approach to petitioning whereas others prefer a formal process including improving verification of signatories to petitions to ensure there is evidence of support from the community.
- Red Tape Reduction: An additional theme that featured in responses is the Local Government sector seeks to avoid the creation of unnecessary red tape that does not already feature in contemporary meeting procedures. Examples of perceived red tape include DLGSC's proposals that a) the CEO is to report on all occasions of items of urgent business; and b) that petitions are to be reported in a Local Government's annual report. Respondents strongly oppose the introduction of reporting or double handling of matters dealt with at meetings with Minutes (and future recording of meetings) to remain the primary record.

PART 1 – GENERAL MEETING PROCESS

DLGSC Consultation Paper

1. Calling meetings

The calling of council meetings is outlined in sections 5.5 to 5.7 of the Act, and in existing regulations 12 to 14. Amendments are proposed to add new requirements for the oversight of special council meetings that are held at short notice and prevent any meeting from being held at an unreasonable time of day. It is important that special meetings are only convened in appropriate circumstances. Regulations are proposed to require:

- a minimum of 24 hours' notice to convene a special council meeting
- that notice to convene a special council meeting may be done with less than 24 hours' notice if an absolute majority of council members call the meeting
- that a meeting cannot commence any earlier than 8 am or later than 8 pm.

WALGA Recommendation

1. Is it suitable to allow for a special council meeting to be convened with less than 24 hours' notice if an absolute majority of council members call the meeting? Yes

WALGA Comment: Flexibility is required to permit special meetings during an emergency, public health emergency or state of emergency to be called by the Mayor/President.

2. Are there any circumstances where meetings must start earlier than 8 am or later than 8 pm? No

WALGA Comment: A special meeting called in emergency circumstances should be an allowable exception.

DLGSC Consultation Paper

2. Agendas and order of business

It is proposed to broadly retain existing requirements for local governments to publish meeting agendas.

It is proposed that the general order of meetings be outlined in the Regulations for consistency across the local government sector. However, a council or committee may decide to consider business in a different order, provided that the other requirements of the Regulations (such as public question time being held before any decisions are made) are still met.

Regulations are proposed to outline the following order of business:

- opening (local governments will still be able to continue their own practices for opening meetings, such as making acknowledgements, prayers, opening statements, etc.)
- recording attendance
- public question time (see section 6)
- public presentations and petitions (see sections 7 and 8)
- members' question time (see section 12)
- confirmation of previous minutes (see section 15)
- reports from committees and the CEO
- motions from members
- urgent business
- matters for which the meeting may be closed
- closure.

WALGA Recommendation

3. Is the proposed order of business suitable? Yes

WALGA Comment: Flexibility to rearrange order of business is essential.

DLGSC Consultation Paper

3. Urgent business

Currently, individual local governments' meeting local laws and policies may vary in how urgent business is raised at a meeting. Existing local laws and policies provide various procedures for urgent business to be considered at a council meeting. Broadly, these procedures seek to limit the use of urgent business to only the most exceptional circumstances.

Regulations are proposed to allow the CEO to introduce an item without notice in cases of urgency if:

- an absolute majority of the council resolve to hear the matter at the meeting, and
- the item is clearly marked as urgent business.

It is proposed that DLGSC must be notified each time this occurs, within 7 calendar days, to ensure this process is only used in exceptional circumstances.

Urgent business may only be heard after public question time (see section 6).

WALGA Recommendation

4. Are the proposed requirements for urgent business suitable? No

WALGA Comment: Local Governments should retain general competence power to determine matters of urgent business, over-regulation is not supported. Proposed requirement to notify DLGSC of urgent business is strongly opposed.

DLGSC Consultation Paper

4. Quorum

Existing regulation 8 addresses the process for when there isn't a quorum at a meeting.

Amendments are proposed to provide for the following where a quorum is lost or not present:

- if no quorum is present within 30 minutes of the time set for the meeting, the meeting lapses
- where quorum is lost during a meeting:
 - the meeting proceeds to the next item of business if it is due to members leaving because of a financial or proximity interest
 - the meeting is adjourned for 15 minutes for any other reason and if quorum cannot be reformed, the meeting is closed
- where quorum is lost, the names of the members then present are to be recorded in the minutes.

WALGA Recommendation

5. Are the proposed requirements for when a quorum is not present or lost suitable? Yes

DLGSC Consultation Paper

5. Adjourning a meeting

Currently, individual local governments' meeting local laws or policies may contain processes for adjourning a meeting. It is intended to adopt similar rules, while also addressing concerns regarding meetings of council that run late. Regulations are proposed to provide that:

- council may decide to adjourn a meeting to another day, time and place to resume from the point it adjourned

- a presiding member may adjourn a meeting for 15 minutes to regain order of a meeting that has been disrupted
- if a meeting is adjourned for a second time due to disruption, a presiding member must adjourn the meeting to another day, time or place (not on the same day), with notice being published on the local government's website.

It is also proposed that if a meeting is continuing and it reaches 10:45 pm:

- the council or committee may decide to either extend the meeting for a further 15 minutes to allow for any remaining business to be concluded or determine to adjourn the meeting
- if any business remains at 11 pm, the meeting must adjourn to a day and time which is at least 10 hours later to deal with any outstanding agenda items and a notice must be published on the local government's website listing when the meeting will resume.

While the purpose of this proposal is understood – to mitigate against poor decision-making due to fatigue – the specific end time does not play out across all respondent Local Governments; for example, many regional Council meetings occur from the early afternoon therefore a Council meeting could technically run for up to 7 or 8 hours prior to 11pm, therefore fatigue would be even more pronounced. A maximum meeting time that recognises the different meeting start times appears to be generally supported.

WALGA Recommendation

6. Is 11 pm an appropriate time for when a meeting must be adjourned? No

WALGA Comment: A set closing time is not supported, each Local Government should determine an appropriate closure, bearing in mind start times vary greatly across the sector and a procedural motion to adjourn is proposed to be available.

PART 2 – PUBLIC PARTICIPATION

DLGSC Consultation Paper

6. Public question time

Currently, the Act and Regulations require that public question time is to be made available at every council meeting and certain committee meetings.

Regulation 6 requires that at least 15 minutes is to be made available for public questions at those meetings. However, question time may be extended if there are further questions; the time may also be used for other business if there are no further questions.

Regulation 7 also provides that question time must be held before substantive decisions are made at that meeting.

Currently, the practice at many local governments is that a person who wishes to ask a question attends the meeting (either physically in-person or by electronic means) to ask their question. However, it is proposed that regulations allow for a personal representative of a person to ask a question. This provides an alternative avenue for someone who may be unable to attend a meeting to have their question raised.

Currently, individual local governments meeting local laws and policies may contain processes for members of the public to raise questions. Some requirements, such as rules requiring a person to lodge a question in writing before a meeting, may prevent a person who is not familiar with those requirements from being able to ask a question.

New standardised requirements are proposed to expand the existing Regulations to require that:

- a member of the public only needs to provide their name and suburb/locality (and not any other information) before asking a question
- a person is not required to lodge a question in writing in advance of a meeting (although a person may choose to do so, for instance if they have a very specific or technical question)
- a local government may still require a person, or their personal representative, to attend a meeting to ask a question lodged in writing in advance of the meeting for it to be addressed at that meeting
- questions must not take more than 2 minutes to ask, including a relevant preamble, unless the presiding member grants an extension of time
- if other people are waiting to ask questions, the presiding member will seek to provide equal opportunity for people to ask questions (for instance, by moving to the next person waiting after someone has asked 3 questions, and returning to the first person if time allows)
- any questions are to be answered by the presiding member, or a relevant member (nominated by the presiding member), the CEO, or an employee nominated by the CEO
- if a question, or a question of a similar nature, was asked and answered in the previous 6 months, the presiding member may direct the member of the public to the minutes of the meeting that contains the question and answer
- no debate of a question or answer is to take place
- questions may be taken on notice by the person who is answering the question

- when a question is taken on notice, a response is to be given to the member of the public
- in writing and a copy of the answer is to be included in the agenda of the next ordinary meeting
- the presiding member may reject questions that contain offensive language or reflect adversely on others but must provide opportunities for the question to be rephrased

WALGA Recommendation

7. Is the existing minimum allocation of 15 minutes for public question time sufficient? Yes
8. Is 2 minutes enough time for a member of the public to ask a question? Yes
9. Should any other standard requirements for public question time be established? No
10. Should a personal representative be able to ask a question on behalf of another person? No

WALGA Comment: Proposal for a personal representative to ask questions is strongly opposed. Respondents support public question time based on people being physically in attendance at in person meeting or attending electronically at eMeetings. In addition, it was noted that members of the public may submit questions in writing.

DLGSC Consultation Paper

7. Presentations at council

Local governments commonly allow for presentations (also known as deputations) to be made to inform council decisions. Councils may set a policy for whether they hear presentations at council meetings and/or committee meetings, or at other meetings, and the circumstances in which a presentation may be heard.

It is proposed that local governments will continue to have discretion to choose whether and when to hear presentations.

To allow for a decision to be made in advance of the meeting, it is proposed that either the presiding member or CEO will make the decision on whether a presentation is heard at a meeting, based on any policy established by the council.

Accordingly, it is proposed that a council may establish a policy that determines:

- the types of meetings at which presentations may be heard
- whether the responsibility for making decisions on presentation requests sits with either the presiding member or CEO
- any other matters to guide the presiding member or CEO's decision making towards requests.

New Regulations are also proposed to:

- allow a person, or group of people, to lodge a request in accordance with the council's policy to provide a presentation at least 48 hours before the meeting
 - require the presiding member or CEO to decide and provide a response to the person requesting the presentation by 12 noon the day of the meeting
 - provide that if the presiding member or CEO refuses an application, they are to provide their reasons to the applicant and advise of the refusal at the meeting
 - limit presentations to 5 minutes (not including questions) unless there is a resolution to extend the time limit
- allow council and committee members to ask questions of presenters.

WALGA Recommendation

11. Should the Regulations specify that a request to make a presentation must relate to an item on the agenda for the relevant meeting? Yes
12. Is 48 hours of notice sufficient to administer an application from a member of the public to present to a meeting? Yes
13. Should a standard time limit be set for public presentations? Yes
14. Would 5 minutes be a suitable time limit for public presentations? No

WALGA Comment: Presentations and deputations are requested for a variety of reasons and may be complex in nature. Presiding Member in consultation with Council should be permitted to manage time for presentations and deputations.

DLGSC Consultation Paper

8. Petitions

Many local governments have a tradition of accepting petitions, mirroring the practice of Parliament.

Regulations are proposed to:

- enable any person to petition a local government by lodging a petition to the council on any matter, including petitions which may be critical of actions or decisions of the local government
- require the lead petitioner to provide their contact details
- require any person signing a petition to state their suburb/town, and declare whether they are residents and/or electors of the district
- require the petitioner to tally the number of signatories
- limit rejection of a petition to only when it is not in the prescribed form
- require that the council is to consider each petition and must determine how it is to respond, such as by seeking a report from the CEO
- allow local governments to establish an electronic petitioning system if they wish
- require all petitions received and outcomes from petitions to be summarised in a report to the annual meeting of electors.

WALGA Recommendation

15. Do the proposed regulations provide an effective system for managing petitions? No

WALGA Comment: Power to reject petitions that propose breaching the law is essential. Petitions should only relate to business of the Local Government and not to State, Federal or International issues. Power to reject petitions that inadequately identify petitions is required. Summarising petitions in annual report strongly opposed.

PART 3 – CONDUCT OF DEBATE

DLGSC Consultation Paper

9. Orderly conduct of meetings

New Regulations are proposed to create a duty for all people present at a meeting to:

- ensure that the business of the meeting is attended to efficiently and without delay
- conduct themselves courteously at all times
- allow opinions to be heard within the requirements of the meetings procedures.

It is also proposed that the Regulations:

- allow members to raise points of order to bring the presiding member's attention to a departure from procedure
- provide that it is a minor breach for a presiding member to preside in a manner which is unreasonable or contravenes the requirements of the Act or Regulations
- empower the presiding member to call a person to order and:
 - should a member not comply with a third call to order, the presiding member may direct them to speak no further (but they may continue to cast their vote) for the remainder of the meeting, with failure to adhere to the direction being a minor breach
 - if any other person does not comply with one call to order, the presiding member may direct them to leave the meeting, with failure to do so being an offence
- provide that a council may vote to rescind a direction made by a presiding member for a member to not speak further during a meeting
- provide that a member who has had a direction made against them to not speak further cannot move or second a motion that attempts to rescind the decision.

WALGA Recommendation

16. Do these measures provide a suitable framework to maintain order in meetings?
Conditional Yes

WALGA Comment:

- It is noted Local Governments have long-standing arrangements that facilitate orderly meetings and adequately empower the Presiding Member. Caution against introducing untested new proposals that may have an adverse effect. For this reason, the proposal that Council can vote to rescind a direction by the Presiding Member that relates to maintaining order at a meeting is strongly opposed.
- Proposed regulations additional to Clause 10 of the Model Code of Conduct are supported if focusing on assisting the Presiding Member maintain order of public attendees.
- Proposed breach for 'unreasonable conduct' by the Presiding Member is strongly opposed.

DLGSC Consultation Paper

10. Motions and amendments

Existing meeting procedures address many matters relating to the processes of decision making. This includes motions and amendments (including foreshadowed and alternate motions), notices of motion by members, reasons for changes to the CEO's recommended motion, passing motions "en bloc", and how voting occurs. The existing system of motions (including foreshadowed, amendment, alternate and revocation motions) are proposed to be broadly maintained.

Council members may raise motions that are not part of the agenda of a meeting to recommend a proposal for consideration. For instance, a motion might propose a new policy or decision.

Local governments commonly require notice of a motion to be provided in advance of a council meeting. This is to allow council members time to review the motion and for the CEO and administration to provide advice needed to assist council members with making a decision on a motion.

Providing notice to other council members, the CEO and administration can support a more fulsome consideration of the motion.

Regulations are proposed to require council members to provide written notice of motions at least 1 calendar week before the council meeting commences. This would generally allow those motions to be included in the meeting agenda, which must be published 72 hours before the commencement of the meeting.

It is proposed that council members will still be able to move amendments and alternative motions during debate on agenda items without providing written notice in advance of the meeting. This provides for members to be able to consider all options and suggestions for an item included in the agenda of a meeting.

It is proposed that reasons for notices of motion, amendments and other decisions that are changed at a meeting would still be required.

WALGA Recommendation

17. Is a period of 1 calendar week an appropriate notice period for motions? Yes

18. Are these proposals for motions suitable? Yes

WALGA Comment: Recommend regulations reflect current practices relating to motions, amendments and alternative motions including managing notices of motion i.e. permit CEO to reject notice of motion if it breaches the law or is objectionable in nature (e.g. a censure motion relating to another Council Member). Include rules preventing failed notice of motions being reintroduced at future meeting. Examine potential for notices of motion to be further managed by Council policy.

DLGSC Consultation Paper

11. Debate on a motion

The practice of motions being moved and seconded and debate alternating between speakers for and against the motion is used in meeting procedures statewide.

Some local governments have a further requirement where if a motion is not opposed, no debate occurs, and the motion is recorded as passing unanimously.

Regulations are proposed to provide for the following rules for formal debate on a motion or amendment:

- any motion must be seconded before it may be debated (or carried without debate)
- a motion is carried without debate if no member is opposed to the motion
- if a member is opposed, the mover and seconder may speak and are followed by alternating speakers against and for the motion, with a final right of reply for the mover speeches must be relevant to the motion under debate and no member must speak twice – except for the mover’s right of reply, or if the council decides to allow further debate
- no member can speak for longer than 5 minutes without the approval of the meeting.

WALGA Recommendation

19. Do you support these rules for formal debate on a motion or amendment? Yes
20. Is 5 minutes a suitable maximum speaking time during debate? The Local Government response to this question aligned with supporting their existing practice, which is either 3-minutes or 5-minutes. However, there was support for limiting debate to 3 minutes.
21. Is a general principle against speaking twice on the same motion suitable? Yes

WALGA Comment: Support regulations permitting unopposed business and en bloc motions to facilitate efficient meetings.

DLGSC Consultation Paper

12. Questions by members

The current practices for members asking formal questions at meetings varies throughout the sector. Some local governments have a “questions from council members” period; other local governments allow members to place questions on notice for future meetings.

Regulations are proposed to provide that:

- council members can ask the CEO questions related to any item on an agenda by providing the question in writing by 12 noon the day before the meeting

- council member questions are to be answered during the “questions from council members” agenda item
- council members must seek permission from the presiding member to ask the CEO clarifying questions during debate.

WALGA Recommendation

22. Should the new standardised provisions include a maximum time limit for the “questions from council members” agenda item? Conditional Yes

WALGA Comment: Questions from Council Members in relation to business of the meeting that provides for informed decision-making is generally supported. Questions about matters that are not business of the meeting is not supported as this can be open to abuse that is detrimental to efficient meetings.

23. Is 1 day of notice for a question from a council member sufficient? Yes
24. Is it appropriate for the presiding member to consider whether to allow a member to ask clarifying questions during debate? Yes

DLGSC Consultation Paper

13. Procedural motions

Various procedural motions are provided for in each local governments’ meeting procedures. They help with managing a meeting effectively and democratically.

Regulations are proposed to provide for the following procedural motions to be put without debate:

- a motion to vary the order of business (e.g. to move a report in the order of business so it is considered earlier)
- a motion to adjourn debate to another time
- a motion to adjourn the meeting
- a motion to put the question (close debate)
- a motion to extend a member’s speaking time
- a motion to extend public question time
- a motion to extend the time for a public presentation
- a motion to refer a motion to a committee or for the CEO to provide a new or updated report to a future meeting
- a motion of dissent in the presiding member’s ruling (for example, to overturn the presiding member’s direction that a member does not speak further)
- a motion to close a meeting to the public in accordance with the Act.

WALGA Recommendation

25. Should any of these procedural motions not be included? No

26. Are any additional procedural motions needed? Yes

WALGA Comment: Procedural motions should mirror those already in use by the sector, for example motions to defer or suspend 'standing orders' are commonplace and a necessary addition. Procedural motions also require explanatory statements, for example that any person who has spoken in debate cannot move a procedural motion to put the motion to the vote.

DLGSC Consultation Paper

14. Adverse reflection

In addition to aspects of the model code of conduct, existing meeting procedures seek to prevent inappropriate language and adverse reflections from occurring at meetings.

Regulations are proposed to provide that:

- a person, including a member, cannot reflect adversely on the character of members, employees or other persons – if they do so they must withdraw their remark
- members cannot adversely reflect on the decisions of the council, except in making a motion to revoke or change a decision
- failure to withdraw adverse reflection is to be dealt with as disorderly conduct (including as a potential minor breach)
- a member who is concerned about a remark that may be an adverse reflection may raise a point of order with the presiding member.

WALGA Recommendation

27. Are there any circumstances where a person should be able to adversely reflect on another council member, an employee or a decision of the local government? No

WALGA Comment: Adverse reflection can be a misunderstood to include negative commentary in debate, for example critiquing expectations of performance.

The proposal that regulations will provide a clear definition of adverse reflection is strongly supported, to minimise prospect of misinterpretation.

PART 4 – OTHER MATTERS

DLGSC Consultation Paper

15. Meeting minutes and confirmation

Existing meeting procedures provide for the method of confirmation of the minutes. It is proposed to amend the Regulations to provide a clear process for correcting minutes by:

- allowing a member who identifies errors with unconfirmed minutes to provide a CEO with any proposed corrections by 12 noon the day before a meeting at which the minutes are to be confirmed
- requiring any proposed corrections to the minutes to be presented to council for a decision with a recommendation from the CEO
- Requiring DLGSC to be notified if a local government fails to adopt or defers confirmation of the minutes of a meeting

WALGA Recommendation

28. Is 1 day sufficient notice for a proposed correction to the minutes? Yes

WALGA Comment: Sector comment notes that confirmation of Minutes is largely uncontroversial, proposal to notify Department on rare occasion that Minutes may not be carried/deferred is not supported.

DLGSC Consultation Paper

16. Electronic meetings and attendance

In 2020, Regulations were introduced in response to the COVID-19 pandemic to enable councils to hold meetings electronically and for council members to attend using electronic means. This allowed councils to continue making critical decisions during the pandemic.

The use of videoconferencing and the adoption of livestreaming has also encouraged public access and participation in local government.

On 9 November 2022, the [Local Government \(Administration\) Amendment Regulations 2022](#) took effect, meaning local governments could conduct council and committee meetings electronically outside of emergency situations and that council and committee members could attend in-person meetings using electronic means, such as videoconferencing.

The State Government committed to a public consultation process to gain feedback on the effect of these changes following 12 months of operation.

WALGA Recommendation

29. Has the change to enable electronic meetings to occur outside of emergency situations been helpful? Yes

30. Has the ability for individual members to attend meetings electronically been beneficial? Conditional Yes

WALGA Comment: Many respondents yet to conduct an electronic meeting under current regulations, but Covid-era electronic meetings went smoothly.

31. Do you think any changes to electronic meetings or electronic attendance are required? Yes

WALGA Comment: '50% rule' (regulations 14C(3) and 14D(2A) of the *Local Government (Administration) Regulations*) not clearly understood, additional guidance supported.

DLGSC Consultation Paper

17. Council committees

Sections 5.8 to 5.18 of the Act provide for the establishment of committees that may assist with decision making. Section 7.1A provides for the establishment of an audit committee. The standardised meeting procedures will only apply to those committees established under sections 5.8 and 7.1A.

It is proposed that provisions for committees be similar to requirements for council meetings. Committees may need to provide a more flexible meeting environment, in terms of time limitations and procedure, to facilitate the consideration of issues in detail. This is reflected in meeting procedures across the State.

Regulations are proposed to provide that:

- a committee meeting is to be called when requested by the presiding member of the committee, the mayor or president, or a third of the committee's members
- certain meeting procedures such as the order of debate, speaking twice and time limits do not apply to a committee
- a committee is answerable to the council and must provide at least 1 report to council on its activities each year.

WALGA Recommendation

32. Are any other modifications needed for committee meetings? Conditional No

WALGA Comment: Committee meetings should operate under predominantly similar regulations as Council meetings. Committees are advisory to Council with Council setting terms of reference that include meeting schedule and reporting requirements.

DLGSC Consultation Paper

18. Meetings of electors

The Act establishes that the mayor or president is to preside at electors' meetings, and any resolutions passed by an electors' meeting are considered at a following council meeting.

As electors' meetings are quite different to council meetings, comment is sought about whether parts of the proposed standard should apply for electors' meetings.

WALGA Recommendation

33. Should parts of the proposed standard apply at electors' meetings? Yes

DLGSC Consultation Paper

19. Any other matters

Feedback is welcome on any other element of local government meetings for consideration in the further development of the new Regulations.

WALGA Recommendation

34. Do you have any other comments or suggestions for the proposed new Regulations? Yes

WALGA Comment:

- Exception and en bloc resolutions are regarded as necessary part of meeting procedures.
- Support for regular review of standardised meeting procedures, with potential for 12-month review after commencement to ensure new regulations result in efficient meetings.
- Presiding Member requires powers to determine matters not set out in regulations, as commonly featured in current Local Laws.
- Procedures for revoking and changing decisions, including consideration of self-evident limitations i.e. an implemented decision cannot be revoked.
- Include penalty provisions for breaching regulations applicable to members of public attending meetings.
- New regulations to be drafted with a view to minimising red tape. There is potential that regulations relating to participation by the public may become unwieldy and that proposed reporting proposals strongly opposed.
- New regulations be drafted on the principle of supporting Local Government's general competence powers.

Conclusion

WALGA appreciates the generous timeframe afforded to the sector to make a considered response to the proposed standardised meeting procedure regulations. WALGA looks forward to ongoing consultation on all matters raised by Local Governments in the response to the WALGA Discussion Paper and DLGSC's Consultation Paper, and in the formulation of regulations that facilitate efficient, orderly and participative council and committee meetings.