

**Local Government Act 1995**

**City of Joondalup**

**Meeting Procedures Local Law 2013**

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## **SCHEDULE 1**

**Local Government Act 1995****City of Joondalup****Meeting Procedures Local Law 2013**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 20 August 2013 to make the *City of Joondalup Meeting Procedures Local Law 2013*.

**Part 1 - Preliminary****1.1 Citation**

This local law may be cited as the *City of Joondalup Meeting Procedures Local Law 2013*.

**1.2 Commencement**

This local law commences on the fourteenth day after it is published in the *Government Gazette*.

**1.3 Purpose and effect**

- (1) The purpose of this local law is to provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) The effect of this local law is intended to result in -
  - (a) better decision making by the Council and its committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) more efficient and effective use of time at meetings.

**1.4 Application**

All meetings are to be conducted in accordance with the Act, the Regulations, the ~~Rules of Model~~ Conduct Regulations and this local law.

**1.5 Interpretation**

In this local law, unless the context requires otherwise -

***absolute majority*** has the meaning given to it in the Act;

***Act*** means the *Local Government Act 1995*;

***amendment***, in relation to a motion, means an amendment motion which does not alter the basic intent of the primary motion to which the amendment applies;

**CEO** means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the local government;

**committee** means a committee of the Council (established under clause 15.1 of this local law);

**Council** means the Council of the local government;

**Councillor** has the meaning given to it in the Act;

**Deputy Mayor** means the deputy mayor of the local government;

**elector** has the meaning given to it in the Act;

**employee** has the meaning given to it in the Act;

**local government** means the City of Joondalup;

**Mayor** means the mayor of the local government;

**meeting** means a meeting of the Council or of a committee, as the context requires;

**member** in respect of -

- (a) the Council, has the meaning given to it under the Act; and
- (b) a committee, means a person appointed under section 5.10 of the Act;

**Model Conduct Regulations** means the Local Government (Model Code of Conduct) Regulations 2021;

**Minister** means the Minister responsible for administering the Act;

**presiding member** means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

**primary motion** means an original motion, or an original motion as amended, but does not include an amendment or a procedural motion;

**revocation motion** means a motion to revoke or change a decision made at a Council or committee meeting under clause 13.2;

**Regulations** means the *Local Government (Administration) Regulations 1996*; and

~~**Rules of Conduct Regulations** means the *Local Government (Rules of Conduct) Regulations 2007*;~~

**simple majority** means more than 50% of the members present and voting; ~~and.~~

~~**special majority** has the meaning given to it in the Act.~~

## **1.6 Repeal**

The *City of Joondalup Standing Orders Local Law 2005* published in the *Government Gazette* on 20 December 2005, is repealed.

## **Part 2 - Calling and convening meetings**

### **2.1 Ordinary and special Council meetings**

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

### **2.2 Calling Council meetings**

The calling of Council meetings is dealt with in the Act.

### **2.3 Convening Council meetings**

The convening of a Council meeting is dealt with in the Act.

### **2.4 Calling committee meetings**

A meeting of a committee is to be held -

- (a) if called for in a written request to the CEO by the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a written request to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

### **2.5 Convening committee meetings**

- (1) The CEO is to convene an ordinary meeting of a committee by giving each member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a committee by giving each member notice, before the meeting, of the date, time, place and purpose of the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the Council.

### **2.6 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

## **Part 3 - Presiding member and quorum**

### **3.1 Who presides at Council meetings**

Who presides at a Council meeting is dealt with in the Act.

### **3.2 When the Deputy Mayor can act**

When the Deputy Mayor can act is dealt with in the Act.

### **3.3 Who acts if no Mayor or Deputy Mayor**

Who acts if there is no Mayor or Deputy Mayor is dealt with in the Act.

### **3.4 Election of presiding members of committees**

The election of presiding members of committees is dealt with in the Act.

### **3.5 Election of deputy presiding members of committees**

The election of deputy presiding members of committees is dealt with in the Act.

### **3.6 Functions of deputy presiding members**

The functions of deputy presiding members are dealt with in the Act.

### **3.7 Who acts if no presiding member or deputy presiding member**

Who acts if no presiding member or deputy presiding member is dealt with in the Act.

### **3.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

### **3.9 Reduction of quorum for Council meetings**

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

### **3.10 Reduction of quorum for committee meetings**

The reduction of a quorum for committee meetings is dealt with in the Act.

### **3.11 Procedure where no quorum to begin a meeting**

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

### **3.12 Procedure where quorum not present during a meeting**

(1) If at any time during a meeting a quorum is not present –

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;

- (b) if a quorum is not present at the expiry of the suspension period under subclause (1)(a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
  - (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (1)(b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.
- (2) Where debate on any motion is interrupted at a meeting, which has been adjourned due to a lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.
  - (3) The members who have spoken on the motion at the adjourned meeting, must not speak again on the motion on resumption of that meeting, except the mover who retains the right of reply.

### **3.13 Names to be recorded**

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.12,

the names of the members then present are to be recorded in the minutes.

## **Part 4 - Business of a meeting**

### **4.1 Business to be specified in agenda**

- (1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, except matters which the Act or clause 4.7 permits to be dealt with.
- (2) No business is to be transacted at a special meeting of the Council or a committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting of the Council or a committee other than that -
  - (a) specified in the agenda of the meeting which had been adjourned; and
  - (b) which remains unresolved,
 except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.
- (4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.
- (5) The CEO may withdraw an item from the agenda of a meeting.

## **4.2 Meeting to proceed to business**

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

## **4.3 Order of business**

- (1) Unless otherwise decided by the Council, the order of business at an ordinary meeting of the Council is to be as follows:
  - (a) Declaration of opening /announcement of visitors;
  - (b) Declarations of interests;
  - (c) Public question time;
  - (d) Public statement time;
  - (e) Apologies/leave of absence;
  - (f) Confirmation of minutes;
  - (g) Announcements by the presiding member without discussion;
  - (h) Identification of matters for which the meeting may be closed to the public;
  - (i) Petitions;
  - (j) Reports;
  - (k) Urgent business;
  - (l) Motions of which previous notice has been given;
  - (m) Announcements of notices of motion for the next meeting; and
  - (n) Closure.
  
- (2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of the committee is to be as follows:
  - (a) Declaration of opening;
  - (b) Declarations of interests;
  - (c) Public question time (subject to section 5.24 of the Act);
  - (d) Public statement time (subject to clause 5.8(6));
  - (e) Apologies/leave of absence;
  - (f) Confirmation of minutes;
  - (g) Announcements by the presiding member without discussion;
  - (h) Identification of matters for which the meeting may be closed to the public;

- (i) ~~Petitions and deputations~~ Deputations;
  - (j) Reports;
  - (k) Urgent business;
  - (l) Motions of which previous notice has been given; and
  - ~~(m) Requests for reports for future consideration; and~~
  - (n) Closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a committee is to be the order in which that business stands in the notice of, or agenda for, the meeting.

#### **4.4 Grant of leave of absence**

The grant of leave of absence is dealt with in the Act.

#### **4.5 Announcements by the presiding member**

At any meeting of the Council or committee the presiding member may announce or raise any matter of interest or relevance to the local government and there is not to be any discussion on the matter.

#### **4.6 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business of the local government as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear days before the meeting at which the motion is to be raised.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO -
  - (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
  - (b) with the concurrence of the submitting member, may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
  - (c) may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless -

- (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
  - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) Where a motion of which notice has been given lapses under subclause (6), any future notice of a motion in the same terms or the same effect is not to be given for at least three months from the date of the lapse.
- (8) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of Council or committee, it is to be treated as a primary motion.
- (9) Where a motion of which notice has been given is defeated at the meeting by a vote, a motion of the same effect cannot be submitted under subclause (1) within three months from the date in which the first motion of which notice had been given and was considered.

#### 4.7 Urgent business

- (1) The presiding member, at an ordinary meeting of the Council or committee, may move a motion involving business that is not included in the agenda for that meeting if the presiding member considers that either -
- (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
  - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
- (2) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
- (a) the presiding member is to ask the CEO to give; and
  - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (3) Where urgent business is considered at a meeting under this clause, the minutes of the meeting are to include -
- (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
  - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

#### 4.8 Adoption by exception resolution

- (1) In this clause ***adoption by exception resolution*** means -
- (a) in respect to the Council, a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or CEO's recommendation as the Council resolution; and

- (b) in respect to a committee, a resolution of a committee that has the effect of adopting, for a number of specifically identified reports, the CEO's recommendation as the committee resolution.
- (2) The Council or a committee may pass an adoption by exception resolution.
  - (3) An adoption by exception resolution may not be used for a matter -
    - (a) that requires adoption by an absolute majority ~~or a special majority~~ vote;
    - (b) in which a financial or proximity interest has been disclosed by the Mayor or a Councillor;
    - (c) that is a matter on which a member wishes to speak; or
    - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

#### 4.9 Representation on external bodies

- (1) In this clause **external body** includes -
  - (a) a Regional Council;
  - (b) an incorporated or unincorporated association;
  - (c) a trust;
  - (d) a tribunal;
  - (e) a government agency, instrumentality, board or committee; and
  - (f) any other external body,

to which the local government is entitled, or has been invited, to provide a representative.
- (2) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate committee.

## Part 5 - Public participation

### 5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

### 5.2 Procedure to close meetings to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.

- (3) If a resolution under subclause (2) is carried -
- (a) the presiding member is to -
    - (i) direct all members of the public, other than a person specified in the resolution, to leave the meeting; and
    - (ii) upon consultation with the CEO, request specified employees to leave the meeting; and
  - (b) the meeting is to remain closed to members of the public until the Council or the committee resolves to open the meeting.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Subject to subclause (7) unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that -
- (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
  - (b) the vote of a member or members is recorded in the minutes.
- (7) In the event that no member of the public returns to the meeting after it is reopened, the resolution, including the details of any voting, need not be read aloud but be recorded in the minutes of the meeting.

### **5.3 Question time for the public**

Question time for the public at meetings is dealt with in the Act.

### **5.4 Question time for the public at certain meetings**

Question time for the public at certain meetings is dealt with in the Regulations.

### **5.5 Minimum question time for the public**

Minimum question time for the public is dealt with in the Regulations.

### **5.6 Procedures for question time for the public**

Procedures for question time for the public are dealt with in the Regulations.

### **5.7 Other procedures for question time for the public**

- (1) The presiding member is responsible for the conduct of public question time.
- (2) The procedure for the asking of and responding to questions raised by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to ask a question during public question time must first state their name and full address.

- (4) Questions asked by the public are to relate to the business of the local government and are not to be in the form of a statement or a personal opinion.
- (5) The presiding member is to endeavour to have every question responded to at the meeting at which it is asked but where this is not possible, the question is to be taken on notice and where practicable, a written response is to be provided to the person who asked the question and a copy of the response is to be included in the agenda of the next ordinary meeting of the council or committee as the case requires.
- (6) Notwithstanding clause 4.3(2) there is to be no public question time in meetings of committees other than a committee to which the Council has delegated a power or duty.

#### **5.8 Public statement time**

- (1) The presiding member is responsible for the conduct of public statement time.
- (2) The procedure for the making of statements by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to make a public statement must first state their name and full address.
- (4) Public statements made by the public at an ordinary meeting are to relate to the business of the local government.
- (5) Public statements made by the public at a special meeting are to relate to the business in which the meeting has been called.
- (6) Notwithstanding clause 4.3(2) there is to be no public statement time in meetings of committees other than a committee to which the Council has delegated a power or duty.

#### **5.9 Distinguished visitor and guest**

If a distinguished visitor or guest is present at a meeting of the Council or a committee, the presiding member may -

- (a) invite the distinguished visitor or guest to sit beside the presiding member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor or guest at an appropriate time during the meeting; and
- (c) direct that the presence of the distinguished visitor or guest be recorded in the minutes.

#### **5.10 Deputations to a committee**

- (1) A person or a group not exceeding 5 people who wish to be received as a deputation by a committee must –
  - (a) apply in writing to the CEO; and

- (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the deputation.
- (2) The CEO is to refer to the presiding member a copy or summary of the application and the presiding member is to decide if the deputation is to be received by the committee.
- (3) Unless the committee resolves otherwise -
- (a) a deputation that complies with subclause (1) and approved by the presiding member under subclause (2) may address the committee for up to 15 minutes; and
  - (b) the presiding member may allow that period of 15 minutes to be shared between two or three members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 15 minutes).
- (4) Any matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.
- (5) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.3(2).
- (6) Any item of business to be discussed at a committee meeting that is subject of a received deputation, may be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

### **5.11 Petitions**

- (1) A petition must -
- (a) be prepared, as far as practicable, in the form prescribed in Schedule 1;
  - (b) be addressed to the Council and forwarded to a member or the CEO;
  - (c) be made by at least 25 electors of the district;
  - (d) state the request on each page;
  - (e) contain a summary of the reasons for the request;
  - (f) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
  - (g) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
  - (h) be respectful and temperate in its language; and
  - (i) comply with any form prescribed by the Act or any other written law, such as the *Local Government (Constitution) Regulations 1998* if, for example, it is -
    - (i) a proposal to change the method of filling the office of Mayor; or

- (ii) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (2) On the presentation of a petition -
    - (a) the member presenting it or the CEO is confined to reading the petition; and
    - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred to the CEO for action.
  - (3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
    - (a) the matter is the subject of a report included in the agenda; and
    - (b) the Council or committee has considered the issues raised in the petition.

#### **5.12 Participation at committee meetings**

- (1) In this clause, **person** means the Mayor or a Councillor who is not a member of the relevant committee.
- (2) A person may attend, as an observer, any meeting of a committee and is to sit in an area set aside for observers separated from the committee members.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the meeting room.

#### **5.13 Public inspection of agenda material**

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

#### **5.14 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -
  - (a) identified in the agenda of a Council or committee meeting under the item "Identification of matters for which the meeting may be closed to the public";
  - (b) marked "Confidential" in the agenda; and
  - (c) kept confidential by members and employees until the Council or committee resolves otherwise, or in the opinion of the CEO, the reason for confidentiality ceases to exist.
- (2) A member or an employee who has -
  - (a) confidential information under subclause (1); or

- (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not prevent a member or employee from disclosing information –
- (a) at a closed meeting;
  - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
  - (c) that is already in the public domain;
  - (d) to an officer of the Department;
  - (e) to the Minister;
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

#### **5.15 Media attendance**

Media persons are to be permitted to attend meetings of the Council or committees that are open to the public, in such part of the meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

#### **5.16 Recording of proceedings**

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting, without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

#### **5.17 Prevention of disturbance**

- (1) A reference in this clause to a “person” is to a person other than a member.
- ~~(2) A person must ensure that his or her mobile telephone or other audible electronic device is not switched on or used during any meeting of the Council or a committee.~~
- (2) A person must ensure that his or her mobile telephone or other electronic device does not cause an audible disturbance during any meeting of the Council, a committee or electors.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If -
- (a) after being warned, the person again acts contrary to this clause, or to this local law; or
  - (b) a person refuses or fails to comply with a direction by the presiding member,
- the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

## **Part 6 - Disclosure of interests**

### **6.1 Disclosure of members' financial and proximity interests**

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

### **6.2 Meeting to be informed of financial and proximity interests**

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

### **6.3 Disclosing member not to participate**

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

### **6.4 When disclosing members can participate**

When disclosing members can participate is dealt with in the Act.

### **6.5 Substitution of deputy at committee meetings**

Where a member discloses an interest on an item under clause 6.1 and withdraws from a meeting of a committee, the presiding member is to invite the disclosing member's deputy, if present, to participate as a member of the committee in place of the disclosing member during the consideration of that item only.

### **6.6 Disclosure of impartiality interests**

The disclosure of impartiality interests at meetings is dealt with in the ~~Rules of~~ Model Conduct Regulations.

### **6.7 Disclosure by members who are observers at committee meetings**

The obligation to disclose an interest in clauses 6.1 and 6.6 is to apply to a person under clause 5.12.

## 6.8 Committee members to disclose impartiality interests

- (1) In this clause, a reference to -
- (a) **person** means a member of a committee appointed under the Act who is not either the Mayor or a Councillor; and
  - (b) **interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest -
- (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if -
- (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
  - (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then -
- (a) before the meeting the CEO is to cause the notice to be given to the presiding member of the meeting; and
  - (b) at the meeting the presiding member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If -
- (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,
- the nature of the interest is to be recorded in the minutes of the meeting.

## 6.9 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

## **Part 7 - Conduct of members**

### **7.1 Members to occupy own seats**

At Council meetings, members must be seated in the order as determined by the CEO following each ordinary election.

### **7.2 Official titles to be used**

A speaker, when speaking or referring to the Mayor or Deputy Mayor, or to a Councillor or employee, must use the title of that person's office.

### **7.3 Entering or leaving a meeting**

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

### **7.4 Members who wish to speak**

A member who wishes to speak -

- (a) is to indicate his or her intention to speak by the method determined by the presiding member; and
- (b) when invited by the presiding member to speak, must address the meeting through the presiding member.

### **7.5 Priority of speaking**

- (1) If two or more members of the Council or a committee indicate, at the same time, their intention to speak, the presiding member is to decide which member is to be heard first.
- (2) A decision of the presiding member under this clause is not open to discussion or dissent.

### **7.6 Presiding member may take part in debate**

Subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the meeting.

### **7.7 Relevance**

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
  - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
  - (b) direct that member, if speaking, to discontinue his or her speech.

- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

### **7.8 Limitation on members speaking**

- (1) A member must not address the Council more than once on any motion or amendment except -
- (a) as the mover of a primary motion or amendment, to exercise a right of reply;
  - (b) to raise a point of order; or
  - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

### **7.9 Duration of speeches**

A member may speak on a motion or an amendment, or reply, for a period of only five minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

### **7.10 Questions during debate**

- (1) At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.
- (2) Questions asked by a member, and responses given by a member or an employee -
- (a) are to be brief and concise; and
  - (b) are not to be accompanied by -
    - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
    - (ii) any discussion or further question, except with the consent of the presiding member.
- (3) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

### **7.11 No speaking after conclusion of debate**

A member must not speak on any motion or amendment -

- (a) after the mover has replied; or
- (b) after the motion has been put.

### **7.12 No interruption**

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(g)).

### **7.13 No reopening of discussion**

A member must not reopen a discussion on any decision of the Council or committee, except for the purposes on moving a revocation motion (see Part 13).

### **7.14 Adverse reflection and offensive language**

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 13).
- (2) A member must not -
  - (a) reflect adversely on the character or actions of another member or employee;
  - (b) impute any motive to a member or employee; or
  - (c) use an expression that is offensive or objectionable in reference to any other member, employee or other person.

### **7.15 Withdrawal of offensive language or adverse reflection**

A member who, in the opinion of the presiding member -

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

### **7.16 Personal explanation**

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

## **Part 8 - Preserving order**

### **8.1 Presiding member to preserve order**

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the presiding member may be heard without interruption.

### **8.2 Points of order**

- (1) Any of the following acts may be considered to constitute a point of order for the purposes of this local law:
  - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7);
  - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14); or
  - (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.
- (2) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.
- (3) Despite anything in this local law to the contrary, a point of order -
  - (a) takes precedence over any discussion; and
  - (b) until determined by the presiding member, suspends the consideration or discussion of any other matter.

### **8.3 Procedures on a point of order**

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the presiding member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subcause (1) is to immediately stop speaking while the presiding member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

### **8.4 Ruling by the presiding member**

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order -
  - (a) is not to be the subject of debate or comment; and

- (b) is to be final unless the majority of members then present and voting, on a procedural motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that -
- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

### **8.5 Continued breach of order**

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member,

the presiding member may direct the member to refrain from taking any further part in the debate on that item, other than by voting, and the member must comply with that direction.

### **8.6 Presiding member may adjourn meeting**

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

## **Part 9 - Motions and amendments**

### **9.1 Recommendations in reports**

- (1) Where the Council or a committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the committee (as the case may be).
- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.
- (3) A committee may make a recommendation to the Council which -

- (a) is relevant to the purpose for which the committee is established by the Council; and
  - (b) the committee considers requires consideration by the Council.
- (4) Where a committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

## **9.2 Presentation of committee reports**

The proposed adoption by the Council of recommendations of a committee is to be moved –

- (a) if the presiding member of the committee is a Council member and is in attendance – by the presiding member;
- (b) if the presiding member of the committee is not a Council member or is absent – by a member of the committee who is also a Council member; or
- (c) otherwise – by a Council member who is not a member of the committee.

## **9.3 Permissible motions on recommendations**

A recommendation made by a committee or contained in a report from the CEO may be -

- (a) adopted by the Council without amendment;
- (b) replaced by an alternative motion and adopted by the Council;
- (c) amended, and adopted as amended, by the Council;
- (d) referred back to the committee for further consideration; or
- (e) referred back to the CEO.

## **9.4 Motions to be stated and in writing**

- (1) A member who wishes to move a primary motion, or an amendment to a primary motion -
- (a) is to state the substance of the motion before speaking to it; and
  - (b) is to put the motion or amendment in writing if -
    - (i) in the opinion of the presiding member, the motion or amendment is significantly different to the relevant written recommendation of a committee or an employee; or
    - (ii) he or she is otherwise required to do so by the presiding member.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

## **9.5 Motions to be seconded**

- (1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.

- (2) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 13.1).
- (3) A member seconding a motion has the right to speak on the motion later in the debate.
- (4) A motion is not to be amended by the mover without the consent of the seconder.
- (5) A nomination for any appointment under clause 4.9 is not required to be seconded.

#### **9.6 Unopposed business**

- (1) Immediately after a primary motion or amendment has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.
- (3) If a member opposes a motion, the motion is to be dealt with under this Part.

#### **9.7 Only one primary motion at a time**

The Council or committee -

- (a) is not to accept a primary motion while another primary motion is being debated;  
and
- (b) is not to consider more than one primary motion at any time.

#### **9.8 Complex motions**

The presiding member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

#### **9.9 Order of call in debate**

The presiding member is to call speakers to a primary motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) other speakers for or against the motion; and
- (f) mover takes right of reply which closes debate.

#### **9.10 Limit of debate**

The presiding member may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place and where no other member has given an indication to speak to the motion.

### 9.11 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

### 9.12 Amendments

- ~~(1) A member may move an amendment to a primary motion at any time during debate on the motion, except -~~
- ~~(a) if the mover has been called by the presiding member to exercise the right of reply;~~
  - ~~(b) if the member has already spoken to the primary motion;~~
  - ~~(c) if another amendment is being debated, or has not been withdrawn, carried or lost; or~~
  - ~~(d) during debate on a procedural motion.~~
- (1) A member may move an amendment to a primary motion at any time during debate on the motion, except -
- (a) if the member is the mover or seconder of the primary motion;
  - (b) if the member has already spoken to the primary motion;
  - (c) if the mover has been called by the presiding member to exercise the right of reply;
  - (d) if another amendment is being debated, or has not been withdrawn, carried or lost; or
  - (e) during debate on a procedural motion.
- (2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.
- (3) An amendment to a primary motion is to take only one of the following forms:
- (a) that certain words be omitted;
  - (b) that certain parts be omitted and others substituted or added; or
  - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as the primary motion.
- (6) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment and the right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

**9.13 Withdrawal of motion and amendments**

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
  - (a) it has the approval of the seconder; and
  - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) do not apply, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

**9.14 Right of reply**

- (1) The mover of a primary motion has the right of reply.
- (2) The right of the reply may be exercised only -
  - (a) where no amendment is moved to the primary motion – at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the primary motion – at the conclusion of the discussion on the primary motion and any amendments.
- (3) After the mover of the primary motion has commenced the reply -
  - (a) no other member is to speak on the motion; and
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

**Part 10 - Procedural motions****10.1 Permissible procedural motions**

In addition to the right to move an amendment to a primary motion (under Part 9), a member may move any of the following procedural motions:

- (a) that the ~~motion~~ item be deferred;
- (b) that the motion be now put;
- (c) that the item be referred back to a committee (or the CEO);
- (d) that the meeting now adjourn;

- (e) that the meeting be closed to members of the public (see clause 5.2);
- (f) that the meeting be now closed;
- (g) that the member be no longer heard;
- (h) that the ruling of the presiding member be disagreed with; and
- (i) that the debate be adjourned.

## **10.2 No debate**

- (1) The mover of a motion stated in paragraphs (a), (c), (d), (e), (f), (g) or (i) of clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraph (b) or (h) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

## **10.3 Who may move**

With the exception of subclause 10.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

## **10.4 Right of reply on motion**

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the motion or amendment.

## **~~10.5 Motion be deferred – effect of motion~~**

- ~~(1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.~~
- ~~(2) A motion “that the motion be deferred” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.~~

## **10.5 Item be deferred – effect of motion**

- (1) If a motion “that the item be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the item is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion “that the item be deferred” must not be moved in respect of the election of a Mayor, Deputy Mayor or presiding member.

## **10.6 Motion be now put – effect of motion**

- (1) If a motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.

- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put”, is lost, debate is to continue.

#### **10.7 The item be referred back to a committee (or the CEO) – effect of motion**

- (1) If a motion “that the item be referred back to a committee (or the CEO)” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate committee or the CEO for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

#### **10.8 Meeting now adjourn – effect of motion**

- (1) If a motion “that the meeting now adjourn”, is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding member declares, or to the next ordinary meeting.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
  - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted;
  - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (c) the provisions of clause 7.8 apply when the debate is resumed.
- (3) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until -
  - (a) after the conclusion of the business under discussion at the time the motion was moved;
  - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
  - (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

#### **10.9 The meeting be closed to members of the public – effect of motion**

If a motion “that the meeting be closed to members of the public” is carried then the presiding member is to close the meeting in accordance with clause 5.2.

#### **10.10 The meeting be now closed – effect of motion**

- (1) If a motion “that the meeting be now closed”, is carried, then -

- (a) the presiding member is to close the meeting, and no further business may be transacted; and
  - (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the Council -
- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 7.8 apply when the outstanding business is resumed.

#### **10.11 Member to be no longer heard – effect of motion**

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion or amendment.

#### **10.12 Ruling of the presiding member be disagreed with – effect of motion**

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

#### **10.13 Debate be adjourned – effect of motion**

- (1) If a motion “that the debate be adjourned”, is carried –
- (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
  - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (c) the provisions of clause 7.8 apply when the debate is resumed.
- (2) A motion “that the debate be adjourned” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.
- (3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

## **Part 11 - Voting**

### **11.1 Motion - when put**

Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member -

- (a) is to put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

**11.2 Crossing the floor of meeting room**

- (1) When the presiding member is putting any motion to the vote, a member must not leave or cross the meeting room.
- (2) A member must not, while any other member is speaking, pass between the speaker and the presiding member or pass behind the presiding member.

**11.3 Voting**

Voting is dealt with in the Act and the Regulations.

**11.4 Majorities required for decisions**

The majorities required for decisions of the Council and committees are dealt with in the Act.

**11.5 Method of taking vote**

In taking the vote on any motion, the presiding member -

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.

**Part 12 - Minutes****12.1 Keeping of minutes**

The keeping and confirmation of minutes are dealt with in the Act.

**12.2 Content of minutes**

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by the Regulations, the minutes of a meeting are to include -
  - (a) where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision; and
  - (b) the names of members voting in the affirmative and the names of the members voting in the negative.

**12.3 Public inspection of unconfirmed minutes**

The public inspection of unconfirmed minutes is dealt with in the Regulations.

#### 12.4 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

### Part 13 - Implementing decisions and revocation motions

#### 13.1 Meaning of terms

In this Part -

**authorisation** means a licence, permit, approval or other means of authorising a person to do anything;

**implement**, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

**valid notice of revocation motion** means a notice of a revocation motion that -

- (a) complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

#### 13.2 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

#### 13.3 Revocation motion at the same meeting – procedure

- (1) A member who wishes to move a revocation motion at the same meeting where the decision is made must -
  - (a) clearly identify the decision to be revoked or changed; and
  - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.7.
- (3) Where the Presiding Member is advised of a revocation motion under subclause (2), he or she is to -
  - (a) advise the meeting of the notice;

- (b) state the substance of the revocation motion;
- (c) determine whether there is sufficient support under clause 13.2; and
- (d) if there is sufficient support, deal with the revocation motion.

#### **13.4 Revocation motion after meeting – procedures**

- (1) A member wishing to move a revocation motion at a future meeting of the Council or a committee must give to the CEO notice of the revocation motion, which is to -
  - (a) be in writing;
  - (b) specify the decision proposed to be revoked or changed;
  - (c) include a reason or reasons for the revocation motion;
  - (d) be supported by the number of members required under the Regulations;
  - (e) specify the date of the ordinary or special meeting of the Council or the committee where it is to be presented, as the case may be; and
  - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.6.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.6.

#### **13.5 Limitations on powers to revoke or change decisions**

- (1) Subject to subclause (2), the Council or a committee is not to consider a revocation motion -
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 13.6 to implement the decision;
  - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the local government to the applicant; or
  - (c) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a revocation motion of the kind described in subclause (1)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

#### **13.6 Implementing a decision**

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.

- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
- (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

## **Part 14 - Suspension and non-application of local law**

### **14.1 Suspension of this local law**

- (1) A member may, at any time, move that the operation of one or more of the clauses of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the discussion on any matter, unless the meeting resolves otherwise.

### **14.2 When this local law does not apply**

- (1) In situations where -
- (a) this local law has been suspended; or
  - (b) a matter is not regulated by the Act, the Regulations or this local law,
- the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.1(h).

## **Part 15 - Committees**

### **15.1 Establishment and appointment of committees**

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -

- (a) the terms of reference or functions of the committee;
- (b) either -
  - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
  - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

## **15.2 Types of committees**

The types of committees are dealt with in the Act.

## **15.3 Delegation of some powers and duties to certain committees**

The delegation of some powers and duties to certain committees is dealt with in the Act.

## **15.4 Limits on delegation of powers and duties to certain committees**

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

## **15.5 Appointment of committee members**

The appointment of committee members is dealt with in the Act.

## **15.6 Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

## **15.7 Appointment of deputies**

The appointment of a person to be a deputy of a member of committee is dealt with in the Act.

## **15.8 Resignation of committee members**

The resignation of committee members is dealt with in the Regulations.

## **15.9 Register of delegations to committees**

The register of delegations to committees is dealt with in the Act.

## **15.10 Local law to apply**

This local law applies generally to committee meetings except for clause 7.1, in respect of members seating and clause 7.8 in respect of limitation on member's speaking.

## **Part 16 - Meeting of electors**

### **16.1 Term used: electors**

For the purposes of this Part of this local law the term **electors** has additional meaning as giving to it under the Act.

### **16.2 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

### **16.3 Matters for discussion at general electors' meeting**

The matters to be discussed at a general electors' meeting are dealt with in the Regulations.

### **16.4 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

### **16.5 Requests for electors' special meetings**

Requests for electors' special meetings are dealt with in the Regulations.

### **16.6 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

### **16.7 Who presides at electors' meetings**

Who presides at electors' meetings is dealt with in the Act.

### **16.8 Procedure for electors' meetings**

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

### **16.9 Participation of non-electors**

A person who is not an elector must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

### **16.10 Voting at electors' meetings**

Voting at electors' meetings is dealt with in the Regulations.

### **16.11 Minutes of electors' meetings**

Minutes of electors' meetings are dealt with in the Act.

### **16.12 Decisions made at electors' meetings**

Decisions made at electors' meetings are dealt with in the Act.

## **Part 17 - Breach of this local law**

### **17.1 Breach of this local law by Mayor or Councillors**

A breach of a provision of this local law by the Mayor or Councillors is dealt with in the ~~Rules of~~ Model Conduct Regulations and the Act.

### **17.2 Who can complain**

Who can complain in respect of a breach of this local law is dealt with in the Act.

### **17.3 Penalty for breach**

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000, and daily penalty of \$100

### **17.4 Who can prosecute**

Who can prosecute is dealt with in the Act.

**Local Government Act 1995**

**City of Joondalup**

**Meeting Procedures Local Law 2013**

**SCHEDULE 1**

**PETITION OF ELECTORS OF THE CITY OF JOONDALUP**

To the Mayor and Councillors of the City of Joondalup,

We, the undersigned, all being electors of the City of Joondalup do respectfully request that Council:

*(Set out concise statement of facts and the action sought)*

Correspondence in respect of this petition should be addressed to:

*(State the name and full address of the relevant person)*

The names and addresses of the petitioners are as follows:

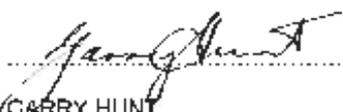
DATE	FULL NAME	ADDRESS	SIGNATURE
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Dated 24<sup>th</sup> of September 2013.

The Common Seal of the City of Joondalup  
was affixed by authority of a resolution  
of the Council in the presence of:



  
.....  
TROY PICKARD  
MAYOR

  
.....  
CARRY HUNT  
CHIEF EXECUTIVE OFFICER

Submission No.	Organisation	Objection / Support / Comment	Comments	Officer's Comment
1	N/A	Comment	<p>I noticed the council of Kwinana has passed a new Cats Local Law, which restricts cats from free roaming in the public places and protects wildlife. I would like to make a proposal and encourage the City of Joondalup to consider taking the same action.</p> <p>I urge the City of Joondalup to take positive action to tackle the free-roaming cat issues and provide a better living environment without harmful cat waste and preventing roadkill.</p>	<p>The comments are noted, the City is waiting for the statutory review of the <i>Cat Act 2011</i> to be formalised, before considering if a Cats Local Law is required.</p>
2	N/A	Comment	<p>Amendments are useless unless local laws are policed. Parents are still parking on the verge, contrary to No Standing signs at Greenwood Primary School, cars obstruct the footpath, the exit from the school car park and do illegal u-turns in a constricted roadway.</p> <p>In regard to animal laws, I contacted the Mayor with regard to having a dog waste facility installed in Birch Park, as there is often animal faeces left on the ground, but no action taken.</p> <p>There was also mention of a dry parks program [at Birch park].</p>	<p>City officers regularly patrol the City's 55 schools to enforce the local law. Otherwise traffic issues fall under the jurisdiction of WA Police.</p> <p>The City notes that the submission received is not relevant to the <i>Animals Local Law 1999</i>. Nevertheless, the City has assessed Birch Park and found that a bin and dog waste dispenser is warranted at the park. These dog waste facilities will be installed in the coming weeks.</p> <p>The adopted 2022-23 budget includes an amount of \$30,000 for the design of the Greenwood North-East Cluster Parks Revitalisation Project which will include</p>

City of Joondalup Amendment Local Law 2021 – Schedule of Submissions

				minor landscape improvements to Birch Park.
3	N/A	Comment	Are cats allowed to roam free at night?	Yes.
4	N/A	Comment	I have reviewed the proposed <i>City of Joondalup Amendment Local Law 2021</i> . I find the changes and amendments are reasonable and acceptable.	Noted.
5	N/A	Comment	<p>[With regard to the <i>Animals Local Law 1999</i>].</p> <p>2.20 First Schedule gives the fines applicable for a range of offences, primarily to do with animals. The fines contemplated are trivial and will not lead to compliance, especially into the future.</p> <p>In the cases where an authorised person provides the offender with a notice, there should be a time by which the matter must be rectified. Then, rather than a fine of \$100, a fine of \$10 000 should be imposed. For example, to rectify inadequate fencing of dangerous animals may cost far in excess of the \$100 proposed: therefore, only a substantial fine will motivate the person or business to make the required modifications.</p> <p>9.5.3(k)(ii) is about placement of advertising signage on median strips. This is often a problem within the City. What agency will enforce the regulations?</p>	<p>The City uses collaborative efforts designed to encourage community compliance through an educative and engagement approach. The issuing of fines should only be used when all other avenues are exhausted.</p> <p>A Local Government's modified penalty should not be more than 10 percent of the maximum penalty which is only able to be awarded by the Courts.</p> <p>City officers will respond to the illegal placement of advertising signage on median strips and enforce the local law as required.</p>
6	N/A	Comment	[with regard to the Local Government and Public Property Local Law 2014] The City may wish to review their authority over structures at sea.	Noted. The <i>City of Joondalup Amendment Local Law 2021</i> will be submitted to the Joint Standing Committee on Delegated Legislation with consideration given to whether the local law is within power, has no unintended effect on any person's existing rights or interests, provides an



**City of Joondalup Amendment Local Law 2021 – Schedule of Submissions**

ATTACHMENT 2

			The next time the City's local laws are due for review, the City may wish to consider repealing each local law and replacing it with a new, consolidated version.	
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Department of  
**Local Government, Sport  
and Cultural Industries**

ATTACHMENT 3

# **Local Government Reforms: Full Reform Proposals**



# Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>1.1 Early Intervention Powers</b>		
<ul style="list-style-type: none"> <li>• The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to:               <ul style="list-style-type: none"> <li>○ Suspend or dismiss councils</li> <li>○ Appoint Commissioners</li> <li>○ Suspend or order remedial action (such as training) for individual councillors.</li> </ul> </li> <li>• The Act also provides the Director General with the power to:               <ul style="list-style-type: none"> <li>○ Conduct Authorised Inquiries</li> <li>○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal</li> <li>○ Commence prosecution for an offence under the Act.</li> </ul> </li> <li>• Authorised Inquiries are a costly and relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate).</li> <li>• The Inspector would receive minor and serious complaints about elected members.</li> <li>• The Inspector would oversee complaints relating to local government Chief Executive Officers (CEOs).</li> <li>• Local Governments would still be responsible for dealing with minor behavioural complaints.</li> <li>• The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified.</li> <li>• The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i> and other legislation.</li> <li>• The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism.</li> <li>• The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations.</li> </ul>	<p>No major changes to the central concepts. Work to develop and refine detail is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<ul style="list-style-type: none"> <li>The Panel Report, City of Perth Inquiry and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight.</li> </ul>	<ul style="list-style-type: none"> <li>The Inspector would be supported by a panel of Local Government Monitors (see item 1.2).</li> <li>The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3).</li> <li>Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4).</li> <li>These reforms would be supported by new powers to more quickly resolve issues within local government.</li> </ul>	
<b>1.2 Local Government Monitors</b>		
<ul style="list-style-type: none"> <li>There are currently no legislative powers for the provision of monitors/temporary advisors.</li> <li>The DLGSC provides support and guidance to local governments, however, there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases.</li> </ul>	<ul style="list-style-type: none"> <li>A panel of Local Government Monitors would be established.</li> <li>Monitors could be appointed by the Inspector to go into a local government and try to resolve problems.</li> <li>The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence.</li> <li>Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> <li>Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators</li> <li>Dispute resolution experts - to address the breakdown of professional working relationships</li> <li>Certified Practising Accountants and other financial specialists to assist with financial management and reporting issues</li> <li>Governance specialists and lawyers - to assist councils to resolve legal issues</li> <li>Human Resource and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction.</li> </ul> </li> </ul>	<p>No major changes to the central concepts. Work to develop and refine detail is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
	<ul style="list-style-type: none"> <li>• Only the Inspector would have the power to appoint Monitors.</li> <li>• Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose.</li> </ul>	
<b>1.3 Conduct Panel</b>		
<ul style="list-style-type: none"> <li>• The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour.</li> <li>• Currently, the Panel makes findings of alleged breaches based on written submissions.</li> <li>• The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed.</li> </ul>	<ul style="list-style-type: none"> <li>• The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel.</li> <li>• The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel.</li> <li>• The Inspector would provide evidence to the Conduct Panel for adjudication.</li> <li>• The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism.</li> <li>• For very serious or repeated breaches of the <i>Local Government Act 1995</i> (the Act), the Conduct Panel would have the power to recommend prosecution through the courts.</li> <li>• Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision.</li> </ul>	<p>No major changes to the central concepts. Work to develop and refine detail is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>1.4 Review of Penalties</b>		
<ul style="list-style-type: none"> <li>There are currently limited penalties in the Act for certain types of non-compliance with the Act.</li> </ul>	<ul style="list-style-type: none"> <li>Penalties for breaching the Act are proposed to be strengthened.</li> <li>It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Act or Regulations on more than one occasion.</li> <li>Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings or use their official office (such as their title or council email address).</li> <li>It is proposed that a councillor who is suspended multiple times may become disqualified from office.</li> <li>Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances.</li> </ul>	<p><b>Disqualifications</b></p> <p>It is further proposed to establish a provision that results in a person automatically becoming disqualified for 10 years from being an elected member at any local government in WA if they have been suspended three times (by either the Conduct Panel, State Administrative Tribunal or Minister).</p>
<b>1.5 Red Card Referrals</b>		
<ul style="list-style-type: none"> <li>Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws.</li> <li>Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1).</li> <li>It is proposed that Presiding Members have the power to 'red card' any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> <li>Require the Presiding Member to issue a clear first warning.</li> <li>If the disruptions continue, the Presiding Member will have the power to 'red card' that person, who must be silent for the rest of the meeting.</li> </ul> </li> </ul>	<p><b>Red Cards Not Progressed</b></p> <p>'Red Card Resolutions' will not be progressed. However, it is proposed that the new Meeting Procedure Regulations will have clear powers for Presiding Members to maintain order at meetings.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<ul style="list-style-type: none"> <li>Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings.</li> </ul>	<ul style="list-style-type: none"> <li>A councillor issued with a red card will still vote but must not speak or move motions.</li> <li>If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting.</li> <li>Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector.</li> <li>Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the Presiding Member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector.</li> </ul>	
<b>1.6 Vexatious Complaint Referrals</b>		
<ul style="list-style-type: none"> <li>No current provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government’s operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner.</li> <li>Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person’s query.</li> <li>It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to decide that the complainant is being unreasonable, and that they will no longer respond.</li> <li>A person who is deemed an unreasonable complainant can appeal to the Inspector.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>1.7 Other Minor Reforms</b>		
<ul style="list-style-type: none"> <li>Other minor reforms are being considered to enhance the oversight of local government.</li> <li>Ministerial Circulars have traditionally been used to guide the local government sector.</li> </ul>	<ul style="list-style-type: none"> <li>Potential other reforms to strengthen guidance for local governments are being considered.</li> <li>For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector to give specific direction for how local governments should meet the requirements of the Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed.</li> <li>It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.</li> </ul>	<p><b>Primary and Annual Returns</b> Based on submissions, reforms to Annual and Primary Returns will add new penalties for non-compliance, and powers for the Inspector to compel any person to correct a potential error or omission on their return.</p>

# Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>2.1 Resource Sharing</b>		
<ul style="list-style-type: none"> <li>The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs.</li> <li>Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing.</li> </ul>	<ul style="list-style-type: none"> <li>Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees.</li> <li>Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>
<b>2.2 Standardisation of Crossovers</b>		
<ul style="list-style-type: none"> <li>Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences.</li> <li>This can create confusion and complexity for homeowners and small businesses in the construction sector.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads.</li> <li>A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this.</li> <li>The DLGSC will work with the sector to develop standardised design and construction standards.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>2.3 Introduce Innovation Provisions</b>		
<ul style="list-style-type: none"> <li>Currently, the Act has very limited provisions to allow for innovations and responses to emergencies (such as the Shire of Bruce Rock Supermarket).</li> </ul>	<ul style="list-style-type: none"> <li>New provisions are proposed to allow exemptions from certain requirements of the Act for:               <ul style="list-style-type: none"> <li>Short-term trials and pilot projects</li> <li>Urgent responses to emergencies.</li> </ul> </li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>
<b>2.4 Streamline Local Laws</b>		
<ul style="list-style-type: none"> <li>Local laws are required to be reviewed every eight years.</li> <li>The review of local laws (especially when they are standard) has been identified as a burden for the sector.</li> <li>Inconsistency between local laws is frustrating for residents and business stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that local laws would only need to be reviewed by the local government every 15 years.</li> <li>Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable.</li> <li>Local governments adopting Model Local Laws will have reduced advertising requirements.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>
<b>2.5 Simplifying Approvals for Small Business and Community Events</b>		
<ul style="list-style-type: none"> <li>Inconsistency between local laws and approvals processes for events, street activation and initiatives by local businesses is frustrating for business and local communities.</li> </ul>	<ul style="list-style-type: none"> <li>Proposed reforms would introduce greater consistency for approvals for:               <ul style="list-style-type: none"> <li>alfresco and outdoor dining</li> <li>minor small business signage rules</li> <li>running community events.</li> </ul> </li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>
<b>2.6 Standardised Meeting Procedures, Including Public Question Time</b>		
<ul style="list-style-type: none"> <li>Local governments currently prepare individual standing order local laws.</li> <li>The Act and regulations require local governments to allocate time at meetings for questions from the public.</li> <li>Inconsistency among the meeting procedures between local governments is a common source of complaints.</li> </ul>	<ul style="list-style-type: none"> <li>To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across Western Australia.</li> <li>Regulations would introduce standard requirements for public question time and the procedures for meetings generally.</li> </ul>	<p><b>Electors' Meetings</b> Further minor changes to Electors Meetings are proposed to:</p> <ul style="list-style-type: none"> <li>Increase the number of electors required to call an Electors' Special Meeting to 300 (from 100) or five per cent of the number of electors (whichever is less).</li> </ul>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
	<ul style="list-style-type: none"> <li>Members of the public across all local governments would have the same opportunities to address council and ask questions.</li> </ul>	<ul style="list-style-type: none"> <li>Allow a Presiding Member to refuse to hold a second Electors' Special Meeting if the matter raised has already been considered at a Special Electors' Meeting within the last 12 months (the local government would still have to refer the matter for inclusion on the agenda of the next Council Meeting)</li> <li>The new meeting procedures regulations will also apply to Electors' meetings, including the annual electors' meeting. This will enable the Presiding Member to maintain order while ensuring members of the public have a clear right to ask questions.</li> </ul>
<b>2.7 Regional Subsidiaries</b>		
<ul style="list-style-type: none"> <li>Initiatives by multiple local governments may be managed through formal Regional Councils or less formal "organisations of councils" such as NEWROC and WESROC.</li> <li>These initiatives typically have to be managed by a lead local government.</li> <li>In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries.</li> <li>Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>.</li> <li>So far, no Regional Subsidiary has been formed.</li> </ul>	<ul style="list-style-type: none"> <li>Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> <li>enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments</li> <li>provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds</li> <li>where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk</li> <li>Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments.</li> </ul> </li> </ul>	<p><b>Financial Reporting</b> Streamlined financial reporting requirements will be extended for regional subsidiaries, so they only need to comply with band 3 and 4 model financial statement provisions.</p> <p><b>Borrowing for Projects</b> It is proposed to amend the Act to enable regional subsidiaries to borrow money for capital projects to achieve the purpose specified in the regional subsidiaries charter (subject to conditions, including within prescribed borrowing limits).</p>

# Theme 3: Greater Transparency & Accountability

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>3.1 Recordings and Live-Streaming of All Council Meetings</b>		
<ul style="list-style-type: none"> <li>• Currently, local governments are only required to make written minutes of meetings.</li> <li>• While there is no legal requirement for live streaming or video or audio recording of council meetings, many local governments now stream and record their meetings.</li> <li>• Issues relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments.</li> <li>• Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors<sup>1</sup> such as:               <ul style="list-style-type: none"> <li>○ Growth and development</li> <li>○ Strategic planning issues</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed that all local governments will be required to record meetings.</li> <li>• Band 1 and 2 local governments would be required to live-stream meetings and make video recordings available as public archives.</li> <li>• Band 1 and 2 are larger local governments, are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment.</li> <li>• Band 1 and 2 local governments would be required to live-stream meetings and make video recordings available as public archives.</li> <li>• Several local governments already use platforms such as YouTube, Microsoft Teams and Vimeo to stream and publish meeting recordings.</li> <li>• Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used.</li> <li>• Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum.</li> </ul>	<p><b>Limited Exemptions</b></p> <p>It is proposed to allow for minor exemptions to the requirement for live-streaming in defined scenarios (for instance, for a council holding a meeting outside of council chambers, and with the prior written consent of the Inspector).</p>

<sup>1</sup> See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<ul style="list-style-type: none"> <li>○ Demands and diversity of services provided to the community</li> <li>○ Total expenditure</li> <li>○ Population</li> <li>○ Staffing levels.</li> </ul>	<ul style="list-style-type: none"> <li>● These local governments would still be encouraged to Livestream or video record meetings.</li> <li>● All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to DLGSC for archiving.</li> </ul>	
<b>3.2 Recording All Votes in Council Minutes</b>		
<ul style="list-style-type: none"> <li>● A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting.</li> <li>● The existing provision does not mandate transparency.</li> </ul>	<ul style="list-style-type: none"> <li>● To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions be required to be published in the council minutes to identify those for, against, on leave, absent or who left the chamber.</li> <li>● Regulations would prescribe how votes are to be consistently minuted.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.
<b>3.3 Clearer Guidance for Meeting Items that may be Confidential</b>		
<ul style="list-style-type: none"> <li>● The Act currently provides broad definitions of what type of matters may be discussed as a confidential item.</li> <li>● There is limited potential for the review of issues managed as confidential items under the current legislation.</li> </ul>	<ul style="list-style-type: none"> <li>● Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances.</li> <li>● It is proposed to make the Act more specific in prescribing items that may be confidential and items that should remain open to the public.</li> <li>● Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector.</li> <li>● All confidential items would be required to be audio recorded, with those recordings submitted to DLGSC.</li> </ul>	<p><b>Specific Provisions</b></p> <p>Proposed provisions for managing confidential items at council meetings (and preventing councils from unreasonably using confidentiality provisions to avoid public scrutiny) have been refined to:</p> <ul style="list-style-type: none"> <li>● clarify that only a limited part of a meeting specific to confidential information (e.g., receiving legal advice) may be closed</li> </ul>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
		<ul style="list-style-type: none"> <li>• specify that certain matters (town planning and development applications, budgeting, major land transactions, leases of local government property) must be held in full public view</li> <li>• Specify that certain matters (CEO appointment, management of behavioural complaints about elected members, local government cybersecurity) must be held confidentially</li> <li>• Require that any other matters proposed to be considered confidentially will require the prior approval of the Inspector.</li> </ul>
<b>3.4 Additional Online Registers</b>		
<ul style="list-style-type: none"> <li>• Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online.</li> <li>• Regular online publication of information can substitute for certain material in annual reports.</li> <li>• Consistency in online reporting across the sector will provide ratepayers with better information.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included.</li> </ul> <p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> <li>○ <b>Lease Register</b> to capture information about the leases the local government is a party to (either as lessor or lessee)</li> <li>○ <b>Community Grants Register</b> to outline all grants and funding provided by the local government</li> </ul>	<p>To clarify, the online register of contracts is only for the supply of goods and services and will not include direct employment contracts.</p> <p>To clarify, information about the identity of individual residential tenants of housing owned by the local government will not be required to be published on the online lease register.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<ul style="list-style-type: none"> <li>• These registers supplement the simplification of financial statements in Theme 6.</li> </ul>	<ul style="list-style-type: none"> <li>○ <b>Interests Disclosure Register</b> that collates all disclosures made by elected members about their interests related to matters considered by council</li> <li>○ <b>Applicant Contribution Register</b> accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking</li> <li>○ <b>Contracts Register</b> that discloses all contracts above \$100,000.</li> </ul>	
<b>3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published</b>		
<ul style="list-style-type: none"> <li>• It is a requirement of the Act that CEO performance reviews are conducted annually.</li> <li>• The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria.</li> <li>• Additional performance criteria can be used for performance review by agreement between both parties.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> <li>○ Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period)</li> <li>○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period)</li> <li>○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).</li> </ul> </li> </ul>	<p><b>Limited Exemptions</b></p> <p>It is proposed that a provision is included to allow councils to seek the Inspector’s approval not to publish a specific CEO KPI, if there is a clear public interest reason for doing so.</p>

# Theme 4: Stronger Local Democracy and Community Engagement

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>4.1 Community and Stakeholder Engagement Charters</b>		
<ul style="list-style-type: none"> <li>• There is currently no requirement for local governments to have a specific engagement charter or policy.</li> <li>• Many local governments have introduced charters or policies for how they will engage with their community.</li> <li>• Other Australian States have introduced a specific requirement for engagement charters.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community.</li> <li>• A model Charter would be published to assist local governments who wish to adopt a standard form.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>
<b>4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</b>		
<ul style="list-style-type: none"> <li>• Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers.</li> <li>• These surveys provide valuable data on the performance of local governments.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently managed ratepayer satisfaction survey.</li> <li>• Results would be required to be reported publicly at a council meeting and published on the local government's website.</li> <li>• All local governments would be required to publish a response to the results.</li> </ul>	<p><b>Standardised Questions</b> Based on requests from ratepayers, it is proposed that some standard questions be pre-defined in Regulation to allow for the comparison of results between local governments.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>4.3 Introduction of Preferential Voting</b>		
<ul style="list-style-type: none"> <li>The current voting method for local government elections is first-past-the-post.</li> <li>The existing first-past-the-post does not allow for electors to express more than one preference.</li> <li>The candidate with the most votes wins, even if that candidate does not have a majority.</li> <li>Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice.</li> </ul>	<ul style="list-style-type: none"> <li>Preferential voting is proposed to be adopted as the method to replace the current first past the post system in local government elections.</li> <li>In preferential voting, voters number candidates in order of their preferences.</li> <li>Preferential voting is used in State and Commonwealth elections in Western Australia and other states. This provides voters with more choice and control over who they elect.</li> <li>All other states use a form of preferential voting for local government.</li> </ul>	<p><b>Optional Preferential Voting</b></p> <p>Optional preferential voting is proposed, to ensure that electors may lodge a valid vote without numbering all candidates, if they wish to vote in that way.</p>
<b>4.4 Public Vote to Elect the Mayor and President</b>		
<ul style="list-style-type: none"> <li>The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> <li>by the electors of the district through a public vote; or</li> <li>by the council as a resolution at a council meeting.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Mayors and Presidents of all local governments perform an important public leadership role within their local communities.</li> <li>Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.</li> <li>Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system.</li> <li>A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing. Transitional arrangements are under consideration.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>4.5 Tiered Limits on the Number of Councillors</b>		
<ul style="list-style-type: none"> <li>The number of councillors (between 5 and 15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board and approved by the Minister.</li> <li>The Panel Report recommended electoral reforms to improve representativeness.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to limit the number of councillors based on the population of the entire local government.</li> <li>Some smaller local governments have already been moving to have smaller councils to reduce costs for ratepayers.</li> <li>The <a href="#">Local Government Panel Report</a> proposed for a population of: <ul style="list-style-type: none"> <li>up to 5,000 – five councillors (including the President)</li> <li>between 5,000 and 75,000 – five to nine councillors (including the Mayor/President)</li> <li>above 75,000 – nine to fifteen councillors (including Mayor).</li> </ul> </li> </ul>	<p><b>Change for Smaller Local Governments</b> Based on requests from impacted councils, it is proposed to adjust this to allow local governments with a population of up to 5,000 people to decide to have 5, 6 or 7 councillors.</p>
<b>4.6 No Wards for Small Councils (Band 3 and 4 Councils only)</b>		
<ul style="list-style-type: none"> <li>A local government can make an application to be divided into wards with councillors elected to those wards.</li> <li>Only about 10% of band 3 and 4 local governments currently have wards.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that the use of wards for councils in bands 3 and 4 is abolished.</li> <li>Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election.</li> <li>In smaller local governments, the population of wards can be very small.</li> <li>These wards often have councillors elected unopposed or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes.</li> <li>There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing. Transitional arrangements are under consideration.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility</b>		
<ul style="list-style-type: none"> <li>• A person with a lease in a local government district is eligible to nominate as a candidate in that district.</li> <li>• A person with a lease in a local government district is eligible to apply to vote in that district.</li> <li>• The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors.</li> </ul>	<ul style="list-style-type: none"> <li>• Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council.</li> <li>• The City of Perth Inquiry Report identified sham leases as an issue.</li> <li>• Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> <li>○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council</li> <li>○ Home-based businesses will not be eligible to register a person to vote or run for council because any residents are already the eligible voter(s) for that address</li> <li>○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council.</li> </ul> </li> <li>• The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home-based businesses (where the resident is already eligible) and very small sub-leases.</li> <li>• The basis of eligibility for each candidate (e.g., type of property and suburb of property) is proposed to be published, including in the candidate pack for electors.</li> </ul>	<p>Further work is being progressed to ensure the integrity of enrolment on the owner and occupier rolls for local government elections, including:</p> <ul style="list-style-type: none"> <li>• further definition to minimum lease requirements to exclude sham leases (while ensuring legitimate businesses are represented);</li> <li>• guidance to standardise evidence requirements for claiming eligibility based on a property lease or ownership; and</li> <li>• minor amendments to clarify and standardise disclosure and decision-making related to electoral gifts.</li> </ul>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>4.8 Reform of Candidate Profiles</b>		
<ul style="list-style-type: none"> <li>• Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words.</li> </ul>	<ul style="list-style-type: none"> <li>• Further work will be undertaken to evaluate how longer candidate profiles could be accommodated.</li> <li>• Longer candidate profiles would provide more information to electors, potentially through publishing profiles online.</li> <li>• It is important to have sufficient information available to assist electors to make informed decisions when casting their vote.</li> </ul>	<p>No major change to the proposal, though candidate profiles are likely to be published online, rather than on ballot papers.</p>
<b>4.9 Other Minor Electoral Reforms</b>		
<ul style="list-style-type: none"> <li>• Other minor reforms are proposed to improve local government elections.</li> </ul>	<ul style="list-style-type: none"> <li>• Reforms are proposed to include: <ul style="list-style-type: none"> <li>○ The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g., where there is a margin of fewer than 10 votes a recount will always be required)</li> <li>○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls.</li> </ul> </li> </ul>	<p><b>Recounts</b> It is proposed to provide candidates, or their nominated scrutineers, with a specific avenue to request a recount immediately at the counting of votes, if a set percentage margin in the count is within a limit to be prescribed in regulations.</p> <p><b>Filling Extraordinary Vacancies Following Elections</b> Based on input from the sector, it is proposed to create a new power to allow vacancies on councils arising up to twelve months after an election to be filled by the next highest-polling candidate.</p> <p><b>Election Timeframes</b> It is necessary to extend timeframes for elections in the Act to account for slower postal services.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
		<p><b>Electronic/Online Voting</b> It is proposed to amend the Act to allow for the future implementation of electronic voting in elections (when the technology is deemed suitable). Regulations would then need to be developed.</p> <p><b>Extended Leave from Meetings</b> Based on advocacy from the sector, it is proposed to provide a right for elected representatives to take up to six months' leave if they become a parent or guardian. Similarly, they may take up to six months of medical leave with a medical certificate.</p>

# Theme 5: Clear Roles and Responsibilities

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>5.1 Introduce Principles in the Act</b>		
<ul style="list-style-type: none"> <li>The Act does not currently outline specific principles.</li> <li>The Act contains a short “Content and Intent” section only.</li> <li>The Panel Report recommended greater articulation of principles</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to include new principles in the Act, including:               <ul style="list-style-type: none"> <li>The recognition of Aboriginal Western Australians</li> <li>Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)</li> <li>Community Engagement</li> <li>Financial Management.</li> </ul> </li> </ul>	<p>No major changes. Work to develop details and refine exact phrasing/wording is ongoing.</p>
<b>5.2 Greater Role Clarity</b>		
<ul style="list-style-type: none"> <li>The Act provides for the role of council, councillor, mayor or president and CEO.</li> <li>The role of the council is to:               <ul style="list-style-type: none"> <li>govern the local government’s affairs</li> <li>be responsible for the performance of the local government’s functions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The <a href="#">Local Government Act Review Panel</a> recommended that roles and responsibilities of elected members and senior staff be better defined in law.</li> <li>It is proposed that these roles and responsibilities are further defined in the legislation.</li> <li>These proposed roles will be open to further consultation and input.</li> <li>These roles would be further strengthened through Council Communications Agreements (see item 5.3).</li> </ul>	<p>See below</p>
	<p><b>5.2.1 - Mayor or President Role</b></p> <ul style="list-style-type: none"> <li>It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.</li> <li>While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for:               <ul style="list-style-type: none"> <li>Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council</li> </ul> </li> </ul>	<p>Minor changes in wording to provide that the presiding member is to exemplify respectful conduct.</p> <p>Work to develop details and refine exact phrasing/wording is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
	<ul style="list-style-type: none"> <li>○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act</li> <li>○ Developing and maintaining professional working relationships between councillors and the CEO</li> <li>○ Performing civic and ceremonial duties on behalf of the local government</li> <li>○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government.</li> </ul>	
	<p><b>5.2.2 – Council Role</b></p> <ul style="list-style-type: none"> <li>● It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President.</li> <li>● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> <li>○ Making significant decisions and determining policies through democratic deliberation at council meetings</li> <li>○ Ensuring the local government is adequately resourced to deliver the local government’s operations, services and functions – including all functions that support informed decision-making by council</li> <li>○ Providing a safe working environment for the CEO</li> <li>○ Providing strategic direction to the CEO</li> <li>○ Monitoring and reviewing the performance of the local government.</li> </ul> </li> </ul>	<p>No major changes. Work to develop details and refine exact phrasing/wording is ongoing.</p>
	<p><b>5.2.3 – Elected Member (Councillor) Role</b></p> <ul style="list-style-type: none"> <li>● It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors.</li> </ul>	<p>No major changes. Work to develop details and refine exact phrasing/wording is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
	<ul style="list-style-type: none"> <li>• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for:               <ul style="list-style-type: none"> <li>○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including councillors elected for a particular ward)</li> <li>○ Positively and fairly contributing and applying their knowledge, skill, and judgement to the democratic decision-making process of council</li> <li>○ Applying relevant law and policy in contributing to the decision-making of the council</li> <li>○ Engaging in the effective planning and review of the local government’s resources, and the performance of its operations, services, and functions</li> <li>○ Communicating the decisions and resolutions of council to stakeholders and the public</li> <li>○ Developing and maintaining professional working relationships with all other councillors and the CEO</li> <li>○ Maintaining and developing their knowledge and skills relevant to local government</li> <li>○ Facilitating public engagement with local government.</li> </ul> </li> <li>• It is proposed that elected members should not be able to use their title (e.g., “Councillor”, “Mayor”, or “President”) and associated resources of their office (such as email address) unless they are performing their role in their official capacity.</li> </ul>	
	<p><b>5.2.4 – CEO Role</b></p> <ul style="list-style-type: none"> <li>• The Act requires local governments to employ a CEO to run the local government administration and implement the decisions of council.</li> </ul>	<p>No major changes. Work to develop details and refine exact phrasing/wording is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
	<ul style="list-style-type: none"> <li>• To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs.</li> <li>• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> <li>○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions</li> <li>○ Facilitating the implementation of council decisions</li> <li>○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council</li> <li>○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council</li> <li>○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3)</li> <li>○ Overseeing the compliance of the operations of the local government with State and Commonwealth legislation on behalf of the council</li> <li>○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council.</li> </ul> </li> </ul>	
<b>5.3 Council Communication Agreements</b>		
<ul style="list-style-type: none"> <li>• The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member's functions.</li> </ul>	<ul style="list-style-type: none"> <li>• In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided.</li> </ul>	

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<ul style="list-style-type: none"> <li>The availability of information is sometimes a source of conflict within local governments.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO.</li> <li>These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided.</li> <li>A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific alternative agreement within a certain timeframe following any election.</li> </ul>	<p><b>Default Agreement</b></p> <p>The default agreement (to be developed in consultation with the sector) will start at the commencement of election caretaker periods. The CEO and an absolute majority of council must agree for an arrangement other than the default to apply.</p> <p>The agreement will specify <u>how</u> information should be requested and received. Provisions about the information elected members can access would be unchanged.</p>
<b>5.4 Local Governments May Pay Superannuation Contributions for Elected Members</b>		
<ul style="list-style-type: none"> <li>Elected members are eligible to receive sitting fees or an annual allowance.</li> <li>Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund.</li> <li>Councils should be reflective and representative of the people living within the district.</li> <li>Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances.</li> <li>Superannuation is widely recognised as an important entitlement to provide long term financial security.</li> <li>Other states have already moved to allow councils to make superannuation contributions for councillors.</li> <li>Allowing council to provide superannuation is an important part of encouraging equality for people represented on council – particularly for women and younger people. Providing superannuation to councillors recognises that the commitment to elected office can reduce a person’s opportunity to undertake employment and earn superannuation contributions.</li> </ul>	<p><b>Councils to Determine Whether to Pay Additional Superannuation Allowance</b></p> <p>No change, confirming councils will be able to decide whether to pay superannuation.</p> <p>This is based on the model recently introduced in New South Wales.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>5.5 Local Governments May Establish Education Allowances</b>		
<ul style="list-style-type: none"> <li>Local government elected members must complete mandatory training.</li> <li>There is no specific allowance for undertaking further education.</li> </ul>	<ul style="list-style-type: none"> <li>Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council.</li> <li>Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members.</li> <li>Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas and university studies, which relate to local government.</li> <li>Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council and provide professional development opportunities for councillors.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>
<b>5.6 Standardised Election Caretaker period</b>		
<ul style="list-style-type: none"> <li>There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures.</li> <li>This is commonly a point of public confusion.</li> </ul>	<ul style="list-style-type: none"> <li>A State-wide caretaker period for local governments is proposed.</li> <li>All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> <li>Councils do not make major decisions with criteria to be developed defining 'major'</li> <li>Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaign activities.</li> <li>There are consistent election conduct rules for all candidates.</li> </ul> </li> </ul>	<p><b>Limited Exemptions</b> It is proposed to include minor exemptions to allow councils to make specific decisions essential to ongoing operation of the local government during the caretaker period.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>5.7 Remove WALGA from the Act</b>		
<ul style="list-style-type: none"> <li>The Western Australian Local Government Association (WALGA) is constituted under the Act</li> <li>The Local Government Panel Report and the Select Committee Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>The <a href="#">Local Government Panel Report</a> recommended that WALGA not be constituted under the Act.</li> <li>Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>
<b>5.8 CEO Recruitment</b>		
<ul style="list-style-type: none"> <li>Recent amendments introduced provisions to standardise CEO recruitment.</li> <li>The recruitment of a CEO is a very important decision by a local government.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that DLGSC establishes a panel of approved members to perform the role of the independent person on CEO recruitment panels.</li> <li>Councils will be able to select an independent person from the approved list.</li> <li>Councils will still be able to appoint people outside of the panel with the approval of the Inspector.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>

# Theme 6: Improved Financial Management and Reporting

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>6.1 Model Financial Statements and Tiered Financial Reporting</b>		
<ul style="list-style-type: none"> <li>The financial statements published in the Annual Report are the main financial reporting currently published by local governments.</li> <li>Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity.</li> <li>The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information.</li> </ul>	<ul style="list-style-type: none"> <li>The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance and prudent financial management in local government.</li> <li>It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects.</li> <li>Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments.</li> <li>The Office of the Auditor General has identified opportunities to improve financial reporting, make statements clearer and reduce unnecessary complexity.</li> <li>Recognising the difference in the complexity between smaller and larger local governments, it is proposed that financial reporting requirements should be tiered—meaning that larger local governments will have greater financial reporting requirements than smaller local governments.</li> <li>It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils and simpler, clearer financial statements for bands 3 and 4.</li> </ul>	<p>No significant changes.</p> <p>Work on the Model Financial Statements is ongoing. It is expected that the new Model Financial Statements will be in place for the 2022-23 financial year.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
	<ul style="list-style-type: none"> <li>• Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments.</li> <li>• Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process.</li> </ul>	
<b>6.2 Simplify Strategic and Financial Planning</b>		
<ul style="list-style-type: none"> <li>• Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations.</li> <li>• There is also the Integrated Planning and Reporting (IPR) framework.</li> <li>• While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments.</li> </ul>	<ul style="list-style-type: none"> <li>• Clear information about the finances of local government enables informed public and ratepayer engagement and input to decision-making.</li> <li>• The framework for financial planning should be based around information being clear, transparent and easy for all ratepayers and members of the public to understand.</li> <li>• In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers.</li> <li>• Local governments would be required to adopt a standard set of plans, and there will be templates published by DLGSC for use or adaptation by local governments.</li> <li>• It is proposed that the plans that are required are: <ul style="list-style-type: none"> <li>○ Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives with a new plan required at least every eight years. These will be short-form plans with a template available from DLGSC</li> <li>○ Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets.</li> </ul> </li> </ul>	<p><b>Borrowing Against Freehold Land</b>  A further amendment is proposed to allow a local government to borrow against the freehold (private/zoned) land it owns. Otherwise, no major changes. Work to develop and refine detail is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
	<p>A new plan will be required at least every 10 years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g., land, buildings or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape</p> <ul style="list-style-type: none"> <li>○ Simplified Long Term Financial Plans will outline any long-term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years</li> <li>○ A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long-Term Financial Plan) providing a forecast to ratepayers (updated at least every four years)</li> <li>○ The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments.</li> </ul>	
<b>6.3 Rates and Revenue Policy</b>		
<ul style="list-style-type: none"> <li>• Local governments are not required to have a rates and revenue policy.</li> </ul>	<ul style="list-style-type: none"> <li>• The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<ul style="list-style-type: none"> <li>Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs, especially for the repair of infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services.</li> <li>The Policy would need to reflect the Asset Management Plan and the Long-Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs.</li> <li>A template would be published for use or adaptation by all local governments.</li> <li>The <a href="#">Local Government Panel Report</a> included this recommendation.</li> </ul>	
<b>6.4 Monthly Reporting of Credit Card Statements</b>		
<ul style="list-style-type: none"> <li>No legislative requirement.</li> <li>Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds.</li> </ul>	<ul style="list-style-type: none"> <li>The statements of a local government's credit cards used by local government employees will be required to be tabled at council meetings on a monthly basis.</li> <li>This provides oversight of incidental local government spending.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.
<b>6.5 Amended Financial Ratios</b>		
<ul style="list-style-type: none"> <li>Local governments are required to report seven ratios in their annual financial statements.</li> <li>These are reported on the MyCouncil website.</li> <li>These ratios are intended to provide an indication of the financial health of every local government.</li> </ul>	<ul style="list-style-type: none"> <li>Financial ratios will be reviewed in detail, building on work already underway by DLGSC.</li> <li>The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.</li> </ul>	Further work on this is ongoing.

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>6.6 Audit Committees</b>		
<ul style="list-style-type: none"> <li>Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members.</li> <li>The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act.</li> <li>The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management.</li> </ul>	<ul style="list-style-type: none"> <li>To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government.</li> <li>Audit Committees would also need to consider proactive risk management.</li> <li>To reduce costs it is proposed that local governments should be able to establish shared Regional Audit Committees.</li> <li>The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.</li> </ul>	<p><b>No Requirement for Majority of Independent Members (only Independent Chair)</b></p> <p>Recognising the practical difficulty in recruiting independent people expressed by several local governments, the requirement for Audit Committees to have a majority of independent members will not be progressed.</p> <p>However, the requirement for an independent chairperson remains.</p> <p><b>Local Governments May Renumerate Independent Committee Members</b></p> <p>The Act will be amended to allow local governments to pay fees to committee members within Salaries and Allowances Tribunal limits.</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL
<b>6.7 Building Upgrade Finance</b>		
<ul style="list-style-type: none"> <li>The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance building improvements.</li> <li>This is not currently provided for under the Act.</li> <li>The Local Government Panel Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures.</li> <li>This would allow local governments to lend funds to improve buildings within their district.</li> <li>Limits and checks and balances would be established to ensure that financial risks are proactively managed.</li> </ul>	<p><b>Clarification – Lending Terms</b></p> <p>No major changes, but it should be clarified that financial institutions may provide the principal funds for the loan. Local governments would then collect repayments via rates notices (and pass on funds to any external lender) and would be able to foreclose on the land to recover debts using existing <i>Local Government Act 1995</i> provisions in the event of default by the borrower.</p> <p>Work to develop and refine detail is ongoing.</p>
<b>6.8 Cost of Waste Service to be Specified on Rates Notices</b>		
<ul style="list-style-type: none"> <li>No requirement for separation of waste charges on rates notice.</li> <li>Disclosure will increase ratepayer awareness of waste costs.</li> <li>The Review Panel Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service).</li> <li>This would provide transparency and awareness of costs for ratepayers.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>