

ADMINISTRATION POLICY No _**SUBJECT - COUNCIL MEETING POLICY & PROCEDURE****POLICY OBJECTIVE:**

To provide a formal process for conducting effective meetings for the Shire of Jerramungup.

BACKGROUND

In general, meetings of the Shire of Jerramungup will be conducted in accordance with the principles of effective meeting management and the Local Government Act 1995 (the act) and its subsidiary legislation. This meeting policy and procedure is designed to facilitate:

- 1) Better decision-making by the Council and committees;
- 2) The orderly conduct of meetings dealing with Council business;
- 3) Better understanding of the process of conducting meetings; and
- 4) The more efficient and effective use of time at meetings.

In carrying out the business of Council the Shire of Jerramungup implements the range of meetings below to facilitate effective decision making.

Meeting Type	Purpose	Frequency	Open to Public	Formal Minutes Kept
Ordinary Council Meeting	To make decisions on matters contained in the Council agenda.	Monthly	Yes	Yes
Special Council Meeting	As above but for specific, complex, confidential or urgent matters.	Ad-Hoc	Yes	Yes
Annual Electors Meeting	To present the annual report to the community.	Annually	Yes	Yes
Committee Meeting	To make recommendations to Council on specific matters outlined in the committee's terms of reference.	Varies based on committee requirements and terms of reference.	Yes	Yes
Council workshops	Information sessions to facilitate communication between staff and	Monthly or ad-hoc for specific matters	No	No

	elected members on matters not yet requiring a Council decision.			
Public Meetings and Forums	To engage the local community in decision making and present information on specific issues.	As required.	Yes	Depends on meeting issue.

PROCEDURE – COUNCIL MEETINGS

1. Convening Meetings

Council can decide to hold a meeting by resolution.

In the case of special meetings, the President, or at least one third of Councillors, can do so by giving the CEO written notice setting out the date and purpose of the meeting. The CEO will convene a meeting by giving the notice required by the Local Government Act 1995.

Ordinary Meetings will be set each year and advertised for the following twelve months.

2. Presiding and Quorums at Council Meetings

Arrangements for Presiding over Council meetings are dealt with by the act. In general the Shire President will preside over Council meetings and in his absence the Deputy Shire President will preside.

Quorums are dealt with by the act but generally require at least 50% of the number of offices. The Minister may approve a reduction in the numbers for a quorum.

3. Confidentiality

In general, all Council meetings are open to the public. Any report on a matter that the Chief Executive Officer considers should be dealt with behind closed doors will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the Council will resolve to close the meeting to the public to consider the report or the report will be deferred until immediately before the end of the meeting when the public will be asked to leave.

A member or an officer in receipt of confidential information through a Council meeting process is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.

4. Order Council Business

The order of business will be as stated on the agenda paper unless Council resolves otherwise.

Public question time will precede the making of any decisions by Council.

Only business shown on the agenda will be discussed. At Special Meetings only business specified in the notice of the purpose of the meeting will be discussed.

The order of business for Council Meetings will be as follows:-

1. Declaration of Official Opening
2. Recording of Attendance,
3. Apologies
4. Leaves of Absence Previously Approved
5. Applications for Leave of Absence
6. Public Question Time
7. Petitions, Deputations and Presentations
8. Declarations of Interest
9. Confirmation of Minutes
10. Officer Reports Requiring Council Decision
11. Member Reports
12. New Business of An Urgent Nature
13. Confidential Items of Business
14. Next Meeting Dates
15. Closure

5. Apologies and Leave of Absences

A leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

A member who is unable to attend a Council Meeting and who does not have a leave of absence approved is to notify the CEO in advance of the meeting and declare an apology. A member who is absent from more than 3 consecutive ordinary meetings without obtaining a leave of absence is disqualified as a member.

6. Public Question Time

Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.

During the Council meeting, after public question time, no member of the public may interrupt the meeting's proceedings or enter into conversation unless invited to do so by the Presiding Member.

Whenever possible, questions should be submitted in writing at least 48 hours

prior to the start of the meeting. All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an ordinary meeting, and at a special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting at the discretion of the President.

The person presiding will control public question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. A person wishing to ask a question should state his or her name before asking the question. In general, people seeking to ask questions will be given two minutes within which to address their question to the Council. The Presiding Member may shorten or lengthen this time at their discretion.

7. Petitions, Deputations and Presentations

In the event that a guest speaker (or speakers) is in attendance as a delegation to address Council on a specific issue, the Shire President will invite them to speak to the Council. Delegations will require approval from the Shire President in advance if they wish to speak for longer than 10 minutes. Following presentations, the President may facilitate questions and answers from elected members.

In the event of any petitions being presented, the Presiding Member will present the petition immediately following any delegation. Where a petition is presented, the Presiding Member shall read aloud the petition and advise Council of the number of petitioners. The Presiding Member may move a motion as follows:-

- That the petition be received; or
- That the petition be referred to the Chief Executive Officer for a report to be presented at the next ordinary meeting.

There will be no debate on petitions at the meeting to which they are presented.

8. Disclosure of Interests

A member who has a financial or proximity interest in any matter that is to be discussed at a meeting of Council or a Committee must disclose the nature of that interest if the member will be in attendance at the meeting.

Disclosure must be made in a written notice to the CEO before the meeting; or at the earliest possible time after the member has become aware of the interest.

The Shire and Department of Local Government has made available further information and reporting sheets to assist members and staff to consider whether they need to declare an interest in Council matters.

9. Confirmation of Minutes

Minutes of all Council meetings are to be submitted to the next ordinary Council meeting for confirmation. No discussion regarding the minutes will take place other than as to their accuracy. The President must sign and date the minutes to

certify confirmation.

Minutes of Council committee meetings will be submitted for confirmation in this section of the agenda unless the CEO determines that any recommendations to Council within those minutes require a formal Council report to be prepared.

10. Officer Reports Requiring a Council Decision

The order of reports for consideration will be:

1. Works
2. Finance
3. Health, Building and Town Planning
4. Administration

Officers preparing reports will be in attendance at the meetings in which their reports are considered unless the CEO approves another staff member to receive enquiries or questions from Council on the matter.

DEBATE AND DECISION MAKING

1. Reports Subject to a Declaration of Interest

Before Council considers a report that has been identified as subject to an interest disclosure is moved:

- the person presiding will bring the contents of any written notice of an interest regarding that report to the attention of the meeting;
- any member who has an interest in the report which is not yet disclosed will disclose the nature of the interest;
- any member who has disclosed an interest which is a direct or indirect financial interest or a proximity interest will leave the room while the matter is dealt with unless the interest is of the kind which falls under S5.63 of the Local Government Act 1995.
- Should the member wish to seek Council approval to remain in the room but not take part in the discussion or the vote on the matter, they must leave the room while the Council determines whether they will be allowed to remain in the room during discussion. In these circumstances, the nature and extent of the interest must also be disclosed. (S 5.68 & 5.69 Local Government Act 1995)

2. Clarification of Reports

Members may request that Officers explain or clarify a report's content prior to, or during, any discussion of a recommended motion.

3. Recommendations

Each officer report will contain a recommendation which will be drafted as a Council motion for adoption.

4. Moving a Recommendation / Motion

The person presiding will invite members to move the recommendations in the reports, in the order they appear in the agenda.

Members may move recommendations individually; or may move a number of recommendations in numerical sequence up to any recommendation which has been identified as subject to an interest disclosure, or on which Members have indicated they would like to debate or where a member has indicated that they have a disclosure of interest.

5. Seconding a Recommendation / Motion

All motions under consideration require a mover and a seconder prior to debate, unless the act requires otherwise. (eg for a motion to revoke a decision which was made by absolute majority see Administration regulation 10)

6. Unopposed Business

Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.

If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.

A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.

7. Opposition to the Motion

If there is opposition to a motion the person presiding will (in the following order):

- invite the mover of the motion to speak to the motion;
- invite any member opposing the motion to speak to it;
- allow other members who wish to speak for or against the motion to speak.

8. Members to Speak Only Once / Presiding Member to Call for Open Discussion

Members may not speak more than once on a motion. The person moving the motion he/she has the right at the end of debate to reply to any matters raised during the debate. Seeking points of clarification or seeking additional information relevant to the report is not considered to be speaking more than once.

The Presiding Member may decide to call for open discussion on an item where they are of the opinion that the matter is best dealt with in a collaborative manner. Members will be permitted to speak more than once under these circumstances.

9. Control of Debate

The person presiding will ensure that points of view on a motion are given a fair and reasonable opportunity to be expressed and debated. However, he/she is not obliged to permit every member to speak on a motion nor to permit members to speak for excessive periods of time.

The general rule will be:

- each member permitted to speak will have approximately three minutes to present his/her case;
- the person presiding will determine when he or she believes that a motion has been given a fair and reasonable opportunity to be debated;
- all decisions of the person presiding will be final except if a motion of dissent with a ruling is moved by a member, such a motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final; and
- the person presiding will follow the meeting's ruling.

10. Amending a Motion

Amendments to a motion on the table:

- may be moved at the conclusion of any speech on the motion;
- cannot negate the meaning of the substantive motion;
- must be of a minor nature such as omitting, substituting or adding words;
- must be seconded;
- must be accurately recorded by the Minute Secretary to the satisfaction of the mover.
- Only one amendment may be considered at a time, but as often as an amendment is lost, another amendment may be moved before the substantive motion is put to the vote.
- May be withdrawn at the request of the mover of the motion or amendment and with the approval of the seconder.

11. Seconding the Amendment

An amendment must be seconded. Once seconded, the amendment becomes the motion under consideration.

If an amendment is proposed and not seconded the debate returns to the substantive motion.

12. Amendment Passed

If an amendment is passed:

- the amended motion is the motion before the meeting;
- the person presiding will follow the same process used when dealing with a motion.

13. Reasons for Decision

If an amended motion is adopted instead of an officer recommendation and the

change from the recommendation is significant, the person presiding will:

- summarise the meeting's reasons for coming to that decision; and
- request the meeting to confirm the reasons for the decision for the purposes of recording in the minutes.

14. All Members Must Vote

All members present must vote in all decisions of Council unless they cannot participate because of an interest disclosure.

15. Voting and Majorities

Voting and the majorities required for decisions of Council are dealt with in the act and are defined as either a simple or absolute majority.

If a member of council or a committee specifically requests that there be recorded:

- (a) his or her vote; or,
- (b) the vote of all members present,

on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

16. Other Options to Deal With Officer Reports

A recommended motion may be:-

- adopted;
- referred back to the Administration for further report;
- amended;
- not adopted;
- replaced by an alternative motion.

17. Referring Back

Before a motion to refer a recommendation back to the Administration is debated the person presiding will request that an officer provide advice on the implications of delaying the matter. The motion to refer an item back to the Administration must identify the action to be taken by the officer.

If an elected member moves a motion to refer back an item, the motion will be dealt with immediately, without debate.

18. Recommendation Not Adopted

If a motion is not adopted it is negated. If an officer recommendation is negated the person presiding will:

- summarise the meeting's reasons for coming to that decision;
- request that the meeting confirms those reasons for recording in the

minutes.

19. Proposing an Alternate Motion

If a recommendation is not adopted an alternative motion may be moved with the simple majority consent of Council. The minutes must show the reasons for the alternative motion being considered and adopted. If the alternative motion is not adopted, discussion will cease on the matter.

NEW BUSINESS OF AN URGENT NATURE

1. Person Presiding to Approve

Matters considered in this section of the agenda are only those which require an urgent decision of Council.

If a matter of urgent business is raised:

- the person presiding will determine whether he/she considers the matter sufficiently urgent to be dealt with at the meeting;
- if he/she considers it is, he/she will permit a motion to be moved; and
- will deal with the motion in the same way as an officer recommendation.

2. Meeting Consent for Urgent Business

If the person presiding determines a matter is not sufficiently urgent to be dealt with as urgent business:

- a member may move a motion of dissent with the ruling;
- the motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final;
- the person presiding will follow the meeting's ruling and permit a motion to be moved;
- the motion will be dealt with in the same way as an officer recommendation except that, prior to a final vote on the matter the person presiding shall invite the Chief Executive Officer to provide advice on the impact of the proposed motion.

RULES FOR DEBATE

1. Official Titles to be Used

During meetings, speakers should address others by using their accepted title. For example: President, Deputy President, Councillor, or in the case of staff by their position title.

2. Order of Speakers

When two or more members indicate they wish to speak at the same time, the President will decide who may speak first.

3. Members not to Interrupt

A member must not interrupt or speak out of turn during a meeting, other than to

raise a point of order, make a personal explanation or move a procedural motion.

4. President may Participate in Discussion

The President may discuss any motion before the meeting, provided that he/she addresses the meeting before the right of reply is exercised. The President must exercise a deliberate vote and if the votes are tied may exercise a casting vote.

5. President to be Heard without Interruption

If the President wishes to speak during a debate, all other members should be silent so that the President may be heard without interruption.

6. Members not to Reflect Adversely on Resolution of Council

A member shall not reflect adversely upon the resolution of the Council except on a motion that the resolution be rescinded.

7. Members not to Reflect Adversely on other Members or Officers

A member shall not reflect adversely upon the character or actions of another member or an officer of the Shire of Jerramungup.

8. Members to Apologise if Adversely Reflect

Any member who, in the opinion of the President, uses offensive language or expressions during a Council meeting may be requested by the President to withdraw the statement and formally apologise.

If the member refuses or fails to comply, the President may refuse to hear any further comments from the member on the business currently being discussed.

9. Relevance to Debate

Members must ensure that any comments or remarks made are relevant to the business or motion under discussion.

ORDER

1. Point Of Order

A member may bring to the President's attention, any breach of these Meeting Procedures by stating the grounds for the breach and the name of the offending member.

A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognised as raising a point of order.

The President shall decide all questions of order or practice. The decision is final and must be accepted by the meeting without discussion or argument unless a different ruling is resolved by majority.

A motion, amendment or other business deemed out of order shall not be further discussed and need not be subject of a resolution.

Where anything said or done by a member is deemed out of order, the President may require the member to make an explanation, retraction or apology.

2. Preservation of Order

The President's role is to preserve order and he/she may call any member to order whenever he/she believes it necessary.

If a member persists in any conduct which the President decides is out of order, or the member refuses to explain, retract or apologise as requested by the President the President may direct the member not to take part in the proceedings of the meeting other than to record the members vote. The member must comply with this direction.

3. Serious Disorder

The President may adjourn a Council meeting for fifteen minutes if he/she believes business cannot be effectively continued. Once reassembled, the Council will decide, without debate, whether to continue with business.

If, having once adjourned the meeting, the President again believes that the business of the Council cannot effectively be continued; the meeting may be closed or adjourned by the President.

4. Presiding Persons Interpretation

Where a situation arises where no provision or insufficient provision is made in this Policy, the Presiding Person shall determine the procedure to be observed, based on the principles of fairness and equity. He/she may use the procedure of the Western Australian Parliament as a guide.

Associated Documents:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Defamation Act 2005*
- Department's '*Preparation of Agenda and Minutes Guide*'
- *Department's 'A Guide to Meetings'*
- Department's '*Operational Guidelines*':
 - *No 1 Disclosure of Interests Affecting Impartiality*
 - *No 3 Managing Public Question Time*
 - *No 5 Council Forums*
 - *No 6 Disruptive Behaviour by the Public at Council Meetings*
 - *No 7 Clarity in Council Motions*
 - *No 20 Disclosure of Financial Interests at Council Meetings*

(For access to the Department's Guidelines, see www.dlgc.wa.gov.au)