



# **Standardised Meeting Procedures**

**WALGA  
DISCUSSION PAPER**

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## PURPOSE OF WALGA DISCUSSION PAPER

WALGA is conscious that Local Government consultation leading to the development of the *Local Government Amendment Act 2023* evidenced broad sector support for standardisation of meeting procedures.

WALGA is equally aware that while many current Meeting Procedures / Standing Orders Local Laws include a solid core of common provisions, there is also some diversity across a range of Local Laws content.

We therefore recognise the challenge inherent in developing standardised meeting procedures and the potential they may differ significantly from, or even exclude, well-entrenched Local Law practices and procedures applied at Council and Committee meetings. Participating in the consultation process is therefore crucial to developing workable standardised meeting procedures.

The WALGA Discussion Paper is developed with a view to being read in conjunction with the Department of Local Government, Sport and Cultural Industries Standardised Meeting Procedures Consultation Paper, released in February 2024.

Our Discussion Paper melds the Consultation Paper content with WALGA Comment that is intended to provoke thought and lead to a considered response to the 34 questions posed by the Department. It is WALGA's recommendation that Local Government administrators and Council Members work collaboratively in determining a response to the Consultation Paper. This can be facilitated through informal workshops or a more formal approach at a Council meeting.

**WALGA would greatly appreciate receiving your formal response by close of business Monday 29 April 2024.** This is a different timeframe to the Department's Consultation Paper closing date of 29 May 2024, however it is necessary to facilitate development of a consolidated advocacy position that reflects the aggregated views of the sector on standardised meeting procedures.

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## PART 1 – GENERAL MEETING PROCESS

### DLGSCI Consultation Paper

#### 1. Calling meetings

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

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

#### WALGA Comment

**Currently there is no time-based provision relating to calling a Special Council Meeting, with start times based on availability of attendees, identified urgency of a matter and adopting a common-sense approach. In recognition of exceptional circumstances, consider:**

- **Will an absolute majority of Council Members always be available/contactable if an emergency situation necessitates a special meeting?**
- **Should the Mayor or President be empowered to call a Special Council Meeting during an emergency, public health emergency or state of emergency, similar to emergency powers under section 6.8(1)(c) of the Act?**

1. **Is it suitable to allow for a special council meeting to be convened with less than 24 hours' notice if an absolute majority of council members call the meeting? **Yes / No****

**(a) If no, please provide a suggested alternative.**

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

**(a) If yes, please provide examples and the suggested alternative.**

**It is possible that emergency or disaster situations could necessitate a Special Council Meeting outside of the range of hours indicated in the discussion paper. The current requirements accommodate the full extent of possibilities. Acknowledging the undesirability of holding meetings at extreme hours it is suggested that the occurrence of such meetings should be restricted to emergency scenarios.**



## DLGSCI Consultation Paper

### 2. Agendas and order of business

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

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

Regulations are proposed to outline the following order of business:

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

### WALGA Comment

**Some Meeting Procedures / Standing Orders Local Laws have dispensed with the Order of Business; is it necessary to regulate an Order of Business?**

**If the Order of Business is to be regulated, should the Regulations provide some flexibility for Local Governments to change their Order of Business; for example, bringing forward a matter of public interest is current common practice.**

**3. Is the proposed order of business suitable? Yes / No Subject to the capacity to vary the order of business in appropriate circumstances, as foreshadowed in the discussion paper.**

**(a) If no, please provide a suggested alternative**

## DLGSCI Consultation Paper

### 3. Urgent business

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

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

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

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

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

### WALGA Comment

**If the CEO determines items of urgent business, is it appropriate to involve the Department in monitoring the CEO's performance given this is the role of Council?**

**Should a Council Member be permitted to introduce an urgent matter for consideration under a Notice of Motion?**

**Should a definition of 'urgent business' be included in standardised regulations, or should this be a matter of Policy?**

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

**(a) If no, please provide a suggested alternative.**

Whilst the requirement for an absolute majority to allow introduction of an item of urgent business without notice can be supported, the requirement to report on the occurrence of urgent business appears excessive and unnecessary. LGs have a power of general competence and that should be enough to recognise their capacity to handle urgent business. The paper has not provided the rationale behind this proposal, how the DLGSC will act on receipt of the urgent business notification and what consequences the local government might expect to bear for excessive use of urgent business.

## DLGSCI Consultation Paper

### 4. Quorum

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

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

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

### WALGA Comment

**Is there potential for proposed standardised regulations to replicate existing regulation 8?**

**Should the presiding member be empowered to set the date and time to reconvene a meeting adjourned due to lack of quorum?**

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| <p><b>5. Are the proposed requirements for when a quorum is not present or lost suitable? <b>Yes / No</b></b></p> <p><b>(a) If no, please explain why and the suggested alternative, if any.</b></p> |
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## DLGSCI Consultation Paper

### 5. Adjourning a meeting

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

- council may decide to adjourn a meeting to another day, time and place to resume from the point it adjourned
- a presiding member may adjourn a meeting for 15 minutes to regain order of a meeting that has been disrupted



- if a meeting is adjourned for a second time due to disruption, a presiding member must adjourn the meeting to another day, time or place (not on the same day), with notice being published on the local government's website.

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

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

### **WALGA Comment**

**There are a variety of meeting starting times, therefore is the proposal to regulate that meetings must always adjourn at 11pm appropriate? Could the meeting closure time be based on a standard number of hours commencing from the opening of a meeting?**

**Is a procedural motion to extend time, by absolute majority, a valid option?**

**Is employee work, health and safety an equal consideration when determining the earliest a meeting can reconvene? If so, should the CEO have an active role in determining the time the meeting reconvenes?**

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| <p><b>6. Is 11 pm an appropriate time for when a meeting must be adjourned? Yes / No</b></p> <p><b>(a) If no, what is the suggested alternative?</b></p> |
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## PART 2 – PUBLIC PARTICIPATION

### DLGSCI Consultation Paper

#### 6. Public question time

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

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

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

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

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

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

- a member of the public only needs to provide their name and suburb/locality (and not any other information) before asking a question
- a person is not required to lodge a question in writing in advance of a meeting (although a person may choose to do so, for instance if they have a very specific or technical question)
- a local government may still require a person, or their personal representative, to attend a meeting to ask a question lodged in writing in advance of the meeting for it to be addressed at that meeting
- questions must not take more than 2 minutes to ask, including a relevant preamble, unless the presiding member grants an extension of time
- if other people are waiting to ask questions, the presiding member will seek to provide equal opportunity for people to ask questions (for instance, by moving to the next person waiting after someone has asked 3 questions, and returning to the first person if time allows)
- any questions are to be answered by the presiding member, or a relevant member (nominated by the presiding member), the CEO, or an employee nominated by the CEO

- if a question, or a question of a similar nature, was asked and answered in the previous 6 months, the presiding member may direct the member of the public to the minutes of the meeting that contains the question and answer
- no debate of a question or answer is to take place
- questions may be taken on notice by the person who is answering the question
- when a question is taken on notice, a response is to be given to the member of the public in writing and a copy of the answer is to be included in the agenda of the next ordinary meeting
- the presiding member may reject questions that contain offensive language or reflect adversely on others but must provide opportunities for the question to be rephrased

### WALGA Comment

**Do the proposals provide appropriate balance between the right of the public to ask questions and the community expectation that Councils efficiently transact meeting business and make decisions?**

**The public question time provisions under section 5.24 of the Act and the Local Government (Administration) Regulations do not specify that a member of the public must identify themselves. Is it appropriate that a person will be required to identify themselves, or should this be discretionary to permit a right to privacy?**

**Should a Council Member be permitted to act as a personal representative and ask a question on behalf of an absent member of the public? Should members of the public always be present to ask their question?**

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| <p><b>7. Is the existing minimum allocation of 15 minutes for public question time sufficient? Yes / No</b></p> <p>(a) If no, what minimum time limit do you suggest?</p> <p><b>8. Is 2 minutes enough time for a member of the public to ask a question? Yes / No</b></p> <p>(a) If no, what time limit or other method of allocating questions do you suggest?</p> <p><b>9. Should any other standard requirements for public question time be established? Yes / No</b></p> <p>(a) If yes, please provide details.</p> <p><b>10. Should a personal representative be able to ask a question on behalf of another person? Yes / No</b></p> <p>(a) If no, please provide your reasons.</p> |
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## DLGSCI Consultation Paper

### 7. Presentations at council

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

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

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

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

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

New Regulations are also proposed to:

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

### WALGA Comment

**Should an applicant provide details of their proposed topic and context when making a request to provide a presentation, to permit the CEO to advise Council on relevant legal, financial or other implications?**

**Should the decision to allow a presentation be made by the presiding member in consultation with the CEO, rather than being made by one or the other?**

- 11. Should the Regulations specify that a request to make a presentation must relate to an item on the agenda for the relevant meeting? Yes / No**
  - (a) If no, please provide reasons.
- 12. Is 48 hours of notice sufficient to administer an application from a member of the public to present to a meeting? Yes / No**
  - (a) If no, please provide reasons and suggest an alternative.
- 13. Should a standard time limit be set for public presentations? Yes / No**
  - (a) If no, please provide reasons.
- 14. Would 5 minutes be a suitable time limit for public presentations? Yes / No**

Noting that it should be at the discretion of the Council to extend the timeframe for any particular presentation.

  - (a) If no, please provide reasons and suggest an alternative.

## DLGSCI Consultation Paper

### 8. Petitions

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

Regulations are proposed to:

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

## WALGA Comment

**Should rejection of a petition extend to cases where the petitioned action will breach a written law and related imperatives, such as a public health emergency declaration?**

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

(a) If no, please provide reasons and suggested alternatives.

Petitions should be recorded within the context of the Ordinary Council Meeting that receives them and therefore reporting them to the Annual Electors Meeting appears superfluous and constitutes unnecessary "redtape". Only electors of the district should be included as valid signatures.

## PART 3 – CONDUCT OF DEBATE

### DLGSCI Consultation Paper

#### 9. Orderly conduct of meetings

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

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

It is also proposed that the Regulations:

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

- provide that a member who has had a direction made against them to not speak further cannot move or second a motion that attempts to rescind the decision.

## WALGA Comment

**Are the proposed presiding member powers sufficient to maintain order at meetings?  
Are additional powers required?**

**Clause 10 of the Model Code of Conduct includes matters that must be observed by Council and Committee Members attending Council meetings, enforceable through the behavioural complaints process. Are the proposed new duties of persons present at meetings similar to the expected behaviours expressed in the Model Code?**

**The proposed minor breach of the presiding member includes ‘unreasonable’ conduct; should the regulations be limited to actual contraventions of the Act, Regulations or Code of Conduct?**

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

**Yes / No**

(a) If no, what are the suggested changes?

## DLGSCI Consultation Paper

### 10. Motions and amendments

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

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

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

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

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

It is proposed that council members will still be able to move amendments and alternative motions during debate on agenda items without providing written notice in advance of the



meeting. This provides for members to be able to consider all options and suggestions for an item included in the agenda of a meeting.

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

## WALGA Comment

**It is relatively common for Agendas to be prepared well in advance of the Council meeting so that Agenda Briefing sessions can be held. Should a notice of motion be provided within the established Agenda preparation timeframe of each Local Government?**

**Should a notice of motion be received by Council resolution to indicate support prior to the Administration preparing a detailed report?**

**Should a CEO be empowered to reject any notice of censure motion from a Council member, given this equates to adverse reflection?**

**17. Is a period of 1 calendar week an appropriate notice period for motions? Yes / No**

(a) If no, what is your suggested alternative?

**18. Are these proposals for motions suitable? Yes / No**

(a) If no, please provide reasons

## DLGSCI Consultation Paper

### 11. Debate on a motion

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

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

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

- any motion must be seconded before it may be debated (or carried without debate)
- a motion is carried without debate if no member is opposed to the motion
- if a member is opposed, the mover and seconder may speak and are followed by alternating speakers against and for the motion, with a final right of reply for the mover
- speeches must be relevant to the motion under debate and no member must speak twice –

except for the mover's right of reply, or if the council decides to allow further debate

- no member can speak for longer than 5 minutes without the approval of the meeting.

## WALGA Comment

**Should regulations provide for Council to suspend formal debate rules to enable members to speak more than once on a specific item?**

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| <p><b>19. Do you support these rules for formal debate on a motion or amendment? Yes / No</b><br/>(a) If no, what is your suggested alternative?</p> <p><b>20. Is 5 minutes a suitable maximum speaking time during debate? Yes / No</b><br/>(a) If no, what should be the default maximum speaking time?</p> <p><b>21. Is a general principle against speaking twice on the same motion suitable? Yes / No</b><br/>(a) If no, please provide reasons.</p> |
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## DLGSCI Consultation Paper

### 12. Questions by members

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

Regulations are proposed to provide that:

- council members can ask the CEO questions related to any item on an agenda by providing the question in writing by 12 noon the day before the meeting
- council member questions are to be answered during the “questions from council members” agenda item
- council members must seek permission from the presiding member to ask the CEO 0.0.0. clarifying questions during debate.

## WALGA Comment

**Questions from Council Members are an important part of the meeting, especially if a Local Government does not conduct Agenda Briefings in advance of ordinary Council meetings.**

**Should questions from Council Members only be asked at one particular part of the meeting or be asked prior to debate on the agenda item to which the question relates?**

**Could limiting questions to those provided the day before the meeting be counter productive to good decision making if the question relates to a matter on the Agenda?**

**With proposed new rules for public question time in mind, should questions by members also be limited by time and number in the interests of conducting efficient and effective meetings? Should the presiding member be empowered to rule on the relevance of a question?**

**22. Should the new standardised provisions include a maximum time limit for the “questions from council members” agenda item? Yes / No**

(a) If no, please provide details.

**23. Is 1 day of notice for a question from a council member sufficient? Yes / No**

(a) If no, what is your suggested alternative and why?

**24. Is it appropriate for the presiding member to consider whether to allow a member to ask clarifying questions during debate? Yes / No**

(a) If no, what is your suggested alternative and why?

## **DLGSCI Consultation Paper**

### **13. Procedural motions**

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

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

- a motion to vary the order of business (e.g. to move a report in the order of business so it is considered earlier)
- a motion to adjourn debate to another time
- a motion to adjourn the meeting
- a motion to put the question (close debate)
- a motion to extend a member's speaking time
- a motion to extend public question time
- a motion to extend the time for a public presentation
- a motion to refer a motion to a committee or for the CEO to provide a new or updated report to a future meeting

- a motion of dissent in the presiding member's ruling (for example, to overturn the presiding member's direction that a member does not speak further)
- a motion to close a meeting to the public in accordance with the Act.

## WALGA Comment

**Procedural motions in current Local Laws are accompanied by qualifying provisions explaining their effect; for example, a person who has spoken on a motion cannot move to close a debate on the motion; and the mover of some procedural motions can speak to the motion but cannot speak to some others.**

**Are some qualifying provisions still necessary to ensure fair and equal participation in the meeting? Or should all procedural motions be put without debate?**

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

(a) If yes, please identify which motions and why they should not be included.

**26. Are any additional procedural motions needed? Yes / No**

(a) If yes, please provide suggestions and explain why.

## DLGSCI Consultation Paper

### 14. Adverse reflection

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

Regulations are proposed to provide that:

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

## WALGA Comment

**With compulsory public broadcasting and audio recording of ordinary Council meetings imminent, should adverse reflection be elevated from a behavioural or minor breach to a serious breach of the Act?**

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

(a) If yes, please provide more information to explain the circumstances.

## PART 4 – OTHER MATTERS

### DLGSCI Consultation Paper

#### 15. Meeting minutes and confirmation

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

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

## WALGA Comment

**The confirmation of minutes ensures that a true and correct record of a meeting is kept. Currently, a simple majority of Council Members must agree to any proposed amendments. Are additional rules required?**

**28. Is 1 day sufficient notice for a proposed correction to the minutes? Yes / No**

(a) If no, how much notice should be required and why?

## DLGSCI Consultation Paper

### 16. Electronic meetings and attendance

In 2020, Regulations were introduced in response to the COVID-19 pandemic to enable councils to hold meetings electronically and for council members to attend using electronic means. This allowed councils to continue making critical decisions during the pandemic. The use of videoconferencing and the adoption of livestreaming has also encouraged public access and participation in local government.

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

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

### WALGA Comment

**Is the '50% rule' (refer: regulations 14C(3) and 14D(2A) of the *Local Government (Administration) Regulations*) for electronic attendance at in-person meetings and holding electronic meetings clearly understood? Is it proving to be easily applied?**

**Should the definition of 'meeting' (refer: regulation 14C(1) of the *Local Government (Administration) Regulations*) be amended to permit electronic attendance at electors' meetings?**

**29. Has the change to enable electronic meetings to occur outside of emergency situations been helpful? Yes / No / Unsure or unable to comment**

(a) If no, please explain why.

**30. Has the ability for individual members to attend meetings electronically been beneficial? Yes / No / Unsure or unable to comment**

(a) If no, please explain why.

**31. Do you think any changes to electronic meetings or electronic attendance are required? Yes / No / Unsure or unable to comment**

(a) If yes, please provide details of the changes and explain why they are needed.

## DLGSCI Consultation Paper

### 17. Council committees

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

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

Regulations are proposed to provide that:

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

### WALGA Comment

**Many current Local Laws include requirements additional to sections 5.8 to 5.18 of the Act for establishing committees, that include assigning terms of reference and requirements for reporting to Council. Are similar establishment provisions required in standardised regulations?**

**If a committee has delegated authority to make decisions, should it follow that the standardised regulations must apply as they do at the ordinary council meeting?**

**32. Are any other modifications needed for committee meetings? Yes / No**

(a) If yes, please provide details of the modifications and explain why

## DLGSCI Consultation Paper

### 18. Meetings of electors

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

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

### WALGA Comment

**Should the presiding member powers for effective control of meetings always apply to electors' meetings?**

**33. Should parts of the proposed standard apply at electors' meetings? Yes / No**

(a) If yes, please explain what may be required.

## DLGSCI Consultation Paper

### 19. Any other matters

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

### WALGA Comment

**There are additional matters common to current Standing Orders / Meeting Procedures Local Law that may feature in standardised regulations but not discussed in detail to date, including:**

- **Revoking or changing decisions / implementing decisions: Many current Local Laws feature rules that clarify how revoking or changing decisions under Administration Regulation 10 is applied; does this content remain relevant for inclusion in standardised regulations?**
- **Suspension of standardised regulations: Many current Local Laws include a provision permitting Council by resolution, to suspend one or more Local Law provision; does this content remain relevant for inclusion in standardised regulations?**
- **Matters not included in standardised regulations: Many current Local Laws include a provision empowering the presiding member to decide matters not set out in the Local Law; does this power remain relevant for inclusion in standardised regulations?**



- **Enforcement:** Many current Local Laws include a specific enforcement provision; does this content remain relevant for inclusion in standardised regulations?
- **Powers of presiding member:** Some powers have been referred to in the Consultation Paper under orderly conduct of meetings – Part 3, Item 9. Would additional details of the presiding member powers be helpful?
- **Review of Standardised Regulations:** The Model Local Law (Standing Orders) 1998 (No 73, 3/4/98) were developed by the Department of Local Government to assist Local Governments transition from Bylaws created under the *Local Government Act 1960* to appropriate meeting provisions compliant with the current Act. This Model formed the basis of early Local Laws but due to lack of review, arguably fell out of favour as a suitable template. Should standardised regulations be reviewed every 5 years, to ensure they remain current with contemporary meeting practices?

34. Do you have any other comments or suggestions for the proposed new Regulations? **No**

(a) If yes, please explain what may be required

## SUBMITTING FEEDBACK TO WALGA

Please submit feedback on this Discussion Paper by close of business **Monday 29 April 2024** to:

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